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**ROYAL COMMISSION**

**ON**

**PILOTAGE**

**HEARINGS**

**HELD AT**

**TORONTO ONTARIO**

**VOLUME No.:**

117-119

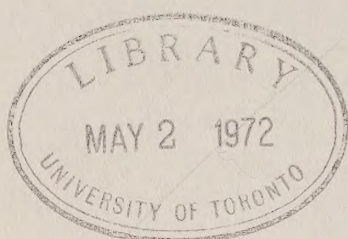
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held  
in the Toronto Board of Education  
Building, 263 McCaul Street,  
Toronto, Ontario, on Tuesday, the  
17th day of March, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots
Mr. J. Mahoney	for Dominion Marine Association
Mr. Colin Mason	for Dominion Marine Association

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TORONTO, ONTARIO

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Toronto, Ontario  
Tuesday,  
March 17, 1964

1 English

2 MRS. BARBARA CRAWFORD, Recalled, Sworn

3 EXAMINATION BY MR. BRISSET: (continued)

4 Q. Mrs. Crawford, you were telling  
5 us yesterday about the pilot card and the invoices. I  
6 have attached to Exhibit 1077 a sample of a pilot card  
7 and a sample of an invoice, and I would like you to  
8 identify those as the ones that were in use in 1958.

9 A. Yes.

10 Q. Is that correct?

11 A. Yes.

12 Q. Now, I was asking you yesterday  
13 how many former sailing masters had returned to the  
14 roster of pilots in your District by the end of August,  
15 1958. Have you been able to check?

16 A. Yes; I have checked and I believe  
17 I said 20 yesterday; it was 16.

18 Q. 16 had started?

19 A. Yes.

20 Q. How many pilots did you have by  
21 the end of August, 1958?

22 A. 31 all told.

23 Q. From that time on were you  
24 suffering from a shortage of pilots or had conditions  
25 returned to normal?

26 A. I would say that conditions had  
27 pretty well returned to normal by then.

28 Q. Amongst the 31 pilots that you  
29 had were there some American pilots who had joined?

30 A. Yes, I believe we had a total of





1 English

2 five all told during the full season; but they were  
3 only allowed to work -- it was not too long; I forget  
4 now -- a month or two months -- six weeks.

5 Q. That was at the time you had a  
6 shortage?

7 A. Yes.

8 Q. Now, there has been a lot of  
9 talk about happy and unhappy pilots. During your year  
10 of operation in 1958 what would you say about the state  
11 of happiness or unhappiness of your pilots, leaving  
12 aside the harassment they might be subject to at the  
13 beginning of the season?

14 A. I would say they were happy.

15 Q. Did they call at your house from  
16 time to time to discuss problems or receive instructions?

17 A. Yes; we tried to get them in  
18 before they went to a ship.

19 Q. They would be calling at your  
20 house?

21 A. Yes; and then on their return  
22 back they would call back in.

23 Q. Now, generally speaking were  
24 you treating them as boys or mature men?

25 A. Well, I hope....

26 MR. LALONDE: In any case, I  
27 object to that question, My Lord.

28 MR. BRISSET: There is a statement  
29 in the brief of the Corporation of Pilots to the effect  
30 that the government had been treating the pilots as boys





1 English

2 and not as mature men.

3 THE CHAIRMAN: There is that  
4 statement.

5 MR. BRISSET: That is the purpose  
6 of my question.

7 MR. LALONDE: There would need to  
8 be evidence in support of that statement, if it is made.

9 THE CHAIRMAN: It is only a  
10 statement, and you may cross-examine.

11 MR. BRISSET: Q. The question  
12 is whether you were treating the pilots as boys or  
13 mature men?

14 A. I hope as matured men.

15 Q. Now, you said you had the full  
16 cooperation of your pilots in 1958?

17 A. Yes.

18 Q. Did you also have the full  
19 cooperation of the Canal authorities?

20 A. Yes.

21 Q. Who were you dealing with so  
22 far as the Canal authorities were concerned?

23 A. At the beginning it was through  
24 Mr. Paul Ellis.

25 Q. Who was he?

26 A. I believe he was Assistant  
27 Superintendent, or the Superintendent -- I forget;  
28 I guess that he was the Superintendent of the Northern  
29 Division of the Welland Canal.

30 Q. Was he in charge or in control of





1 English

2 traffic?

3 A. Yes; but then that lasted about  
4 two or three days and then he gave us the phone number  
5 for us to call the Guard Gate where they do the direct  
6 control.

7 Q. And from then.....

8 A. From then we worked it with the  
9 dispatchers from the Canal.

10 Q. At the Guard Gate?

11 A. At the Guard Gate.

12 Q. Now, during the course of the  
13 year 1958 did the Department of Transport come to visit  
14 you and survey your organization and administration?

15 A. During the season, no.

16 Q. During the course of 1958?

17 A. No, there was no one there.

18 Q. I was asking you about problems  
19 that you might have encountered in 1958, Mrs. Crawford,  
20 and particularly I want to ask you whether there was  
21 any problem that arose in connection with Customs and  
22 Immigration so far as pilots were concerned?

23 A. Yes; with our American pilots  
24 we had to get clearance from the Customs -- or, I guess,  
25 it is Immigration.

26 Q. Now, on the Canadian side were  
27 you faced with any particular difficulties?

28 A. The Canadian pilots?

29 Q. Yes.

30 A. No, not with the Canadians....What





1 English

2 was it you asked, again?

3 Q. I was asking whether there were  
4 any difficulties or problems that were encountered in  
5 1958 in connection with Customs and Immigration  
6 regulations?

7 A. With Canadians, no.

8 Q. Yes; or Americans?

9 A. It was a Canadian immigration  
10 officer who had to clear us for the American pilots.  
11 So far as our own men were concerned, no.

12 Q. Was there not one of your pilots  
13 that was put in jail because he had not cleared Customs  
14 or Immigration at one end of the District? Do you  
15 recall that?

16 A. No, I don't.

17 Q. Were there any other problems  
18 that you recall during the season that might have cropped  
19 up, apart from the shortage of pilots at the beginning  
20 of the season? Or were things running smoothly from the  
21 time you had your full roster?

22 A. Yes, I think so.

23 Q. From the time you had your full  
24 roster of about 30 pilots were there any delays of  
25 ships because of lack of pilots?

26 A. Not that I can remember.

27 Q. Now, Mrs. Crawford, what happened  
28 in 1959?

29 A. Well, in 1959 the Department of  
30 Transport took over. They had a competition for pilotage;





1 English

2 and I am not just too sure why, but I think it was the  
3 fact that it was so late in the season they didn't set  
4 up the pilotage proper, leaving it with us pretty well  
5 under the same way as we had been working.

6 Q. In other words, in 1959 you and  
7 your husband remained in charge of the dispatching of  
8 pilots?

9 A. Yes.

10 Q. Was the administration conducted  
11 in the same way as in 1958 -- that is, from your house?

12 A. Yes.

13 Q. Now, before the beginning of the  
14 1959 season was there any survey or study made by the  
15 Department of Transport of the manner in which your  
16 organization was running?

17 A. I don't know.

18 Q. Did you receive at any time,  
19 either in 1958 or 1959, a visit of a Department of  
20 Transport officer?

21 A. Yes; there were two of them at  
22 our place in 1959.

23 Q. About what time of the year?

24 A. The first part of April, 1959.

25 Q. And what type of study did they  
26 conduct at that time?

27 A. Asked us how we dispatched them  
28 last year, and under what conditions, and what we had  
29 done. And that was just about it.

30 Q. Now, did you have somebody from





1 English

2 the Department of Transport at your home for any period  
3 of time?

4 A. Yes, we did.

5 Q. For how long?

6 A. For a week at one time.

7 Q. And did you explain to the  
8 gentleman the manner in which you had operated the  
9 previous year?

10 A. Yes.

11 Q. Did you show your books?

12 A. The ones we had, yes; and just  
13 carried on with them there.

14 Q. Were there any special instructions  
15 or suggestions made with respect to the manner in which  
16 you had been operating?

17 A. No. The invoices -- he showed  
18 me how to make those out. They were a bit different  
19 from the ones we had been making up the year before;  
20 and the tariffs were based on the same as they had been  
21 before.

22 Q. In other words, insofar as your  
23 dispatching was concerned, there was no change in the  
24 manner in which you had operated?

25 A. No, none whatsoever.

26 Q. The only changes were in the  
27 invoices and in the tariff?

28 A. Yes; but the tariff at that time  
29 was the same as the year before until, I believe it was,  
30 August, that it was changed a bit then.





Crawford, dir  
(Brisset)

1 English

2 Q. In 1959 who was doing the  
3 invoicing?

4 A. I was.

5 Q. And whom were you invoicing for  
6 pilotage dues?

7 A. To the shipping agents, and  
8 copies went to the Department.

9 Q. Instead of the Shipping Federation?

10 A. Instead of the Shipping Federation.

11 Q. But the procedure was exactly the  
12 same?

13 A. Exactly the same.

14 Q. Now, will you refer to your time  
15 book for the year 1959 and tell me whether you kept  
16 the same time book for that year?

17 A. Yes, we did. This, I might add,  
18 wasn't actually necessary. We did have time sheets  
19 that we had to complete. This was more kept for our  
20 own reference.

21 Q. So you had, in addition to the  
22 time book, time sheets that you were keeping?

23 A. Yes; they had to be sent to  
24 Ottawa prior to the 15th and 30th of the month.

25 Q. And how were these time sheets  
26 prepared? What were they intended to show?

27 A. The number of days the pilot  
28 worked.

29 Q. When you say "worked" do you  
30 mean actually piloting, or being available?





1 English

2 A. No; they were on salary the  
3 same as they are now and the same as they were in 1958.

4 Q. When you used in your evidence,  
5 Mrs. Crawford, the words "time worked", what do you  
6 mean by that? Do you mean that the pilot was actually  
7 on board a ship or simply that he was on call?

8 A. On call.

9 Q. And part of that time he would  
10 be on ships too?

11 A. On ships.

12 Q. But a "day worked" was a day  
13 that the pilot was on call whether he was piloting or  
14 was at his home?

15 A. Right.

16 Q. Now, will you tell us how many  
17 pilots you started with in the month of April of 1959?

18 A. We were given 20. One man didn't  
19 show up. That was I had 19, but I always said I had  
20  $18\frac{1}{2}$  because my husband could not go outside the Welland  
21 Canal. But we started off actually with 19.

22 Q. That was, of course, the year  
23 the Seaway was opened?

24 A. Yes.

25 Q. Before you started with 20, or  $18\frac{1}{2}$ ,  
26 as you have stated, had there been any discussion  
27 between you and the Department as to the number of pilots  
28 you would require to fill the needs?

29 A. Well, just prior to that we had  
30 heard that there would be double the number of ships than





1 English

2 the previous year, and we knew, going on that basis,  
3 that it had taken 31 or 32 men to work the year before  
4 and that we would need approximately 60 men for the  
5 coming year.

6 Q. Anyway, you started with .....

7 A. Twenty.

8 Q. Or  $18\frac{1}{2}$  effective, as we call it  
9 here. Was your roster increased as time went on?

10 A. Yes. We were given a list of  
11 those that had been in the competition and we could go  
12 down this list and call on one that we could persuade  
13 to come and work for us.

14 Q. Now, how many came in after the  
15 first 20? Let us say, how many would you have, for  
16 instance, by the end of May, 1959, roughly?

17 A. Forty-five, I guess.

18 Q. And did the roster of pilots  
19 remain at 45 or about that for the rest of the season?

20 A. Approximately that for the rest of  
21 the season.

22 Q. Now, during the year 1959 insofar  
23 as keeping track of ships within the lakes requiring  
24 pilots and their ports of call and so forth, from where  
25 were you getting your information?

26 A. Just the same as the year before;  
27 from the agents and the pilots and .....

28 Q. And also the Canal authorities?

29 A. And also the Canal authorities;  
30 and we did have a pilot boat then in 1959 which was a





1 English

2 godsend in many ways. It had a phone on it.

3 Q. Now, insofar as operation was  
4 concerned, you mentioned that you had a pilot boat.  
5 Was that pilot boat at Port Weller?

6 A. Yes.

7 Q. That was a change from the pre-  
8 vious year?

9 A. Yes. The ships were larger  
10 and there were many more ships than there had been  
11 the year previous, and so we put the pilot on the pilot  
12 boat and took him out to the ship.

13 Q. And was that standard procedure,  
14 or did a few ships come in and tie up at the wall or  
15 at the lock?

16 A. No; the odd one did, but that  
17 was against directions. They were all supposed to  
18 stay out until they had received a pilot.

19 Q. And where was relief effected  
20 in relation to, say, the Fairway buoy?

21 A. It was at the Fairway buoy that  
22 the ships must call in.

23 Q. And where did the pilot embark?

24 A. At the buoy.

25 Q. At the buoy?

26 A. Yes.

27 Q. And he would be disembarking  
28 there, I suppose, when the ship was coming....

29 A. When the ship returned.... Well,  
30 at that time -- the year before, the District, I believe,





1 English

2 was from Port Weller to the light ship at Port Huron  
3 and then it went out to the Fairway buoy at Port Weller.

4 Q. You said the pilot boat was  
5 equipped with a radio-telephone?

6 A. Yes.

7 Q. And did that improve your  
8 operation insofar as dispatching was concerned?

9 A. It made it very much easier.  
10 Instead of having to put a duplex call through to  
11 the ship in order to talk to your pilot if anything  
12 was so necessary we could call the pilot boat and they  
13 would relay our message.

14 Q. Now, did you operate during  
15 the whole season of 1959 from your house as you did  
16 the previous year?

17 A. Yes.

18 Q. How many miles from Port Weller,  
19 the now tie-up wall, was your house located?

20 A. I don't know. About  $3\frac{1}{2}$  to 4 miles.

21 Q. In 1959 did you have to take  
22 the pilots to the ship as you had done in 1958?

23 A. No.

24 Q. Were they still calling at your  
25 house before going down to the ship?

26 A. Yes.

27 Q. They were reporting to you in  
28 every case?

29 A. I wouldn't say every case, no.

30 Q. Well, of course when they were





1 English

2 dispatched from Port Weller?

3 A. I mean there were a great many  
4 cases where late at night or they had been in earlier  
5 in the day, or something like that, they would proceed  
6 on from their hotel or from home.

7 Q. Were there many delays to ships  
8 during the early part of 1959?

9 A. Yes.

10 Q. Why?

11 A. Congestion in the Canal, lack  
12 of pilots, and I think a lot of it -- I would say 50-50  
13 congestion in the Canal and lack of pilots.

14 Q. Did the situation cure itself as  
15 the year or season progressed?

16 A. Yes. We had more pilots which  
17 certainly was a help. I don't remember, but I don't  
18 think by the middle of September or the middle of  
19 August I guess it would be that we would have any  
20 prolonged delays at the entrance of the Canal as  
21 far as pilotage was concerned.

22 Q. Now, you stated you started the  
23 season with 20 pilots --  $18\frac{1}{2}$  as you have stated earlier.  
24 Out of the first 20 pilots that were taken on the  
25 roster, were all or some of these pilots pilots that  
26 had piloted the year before, or did you start with  
27 new pilotage material?

28 A. Mostly new. Nine, counting my  
29 husband, had been there the previous year.

30 Q. So there were ten new ones?





1 English

2 A. Yes.

3 Q. And were the ten new ones  
4 sailing masters who had refused to work the year  
5 before?

6 A. Not all of them. There were  
7 four that had been sailing their own ships the year  
8 before.

9 Q. I'm sorry?

10 A. There were four that had been  
11 sailing their own ships the year before that.

12 Q. What do you mean by sailing their  
13 own?

14 A. Not working as sailing masters.

15 THE CHAIRMAN: That means six  
16 of the ten new ones were sailing masters?

17 THE WITNESS: Original sailing  
18 masters.

19 THE CHAIRMAN: That refused to  
20 work the year before?

21 THE WITNESS: That is right.

22 BY MR. BRISSET:

23 Q. Now, eventually in the course  
24 of the season as your roster increased, did sailing  
25 masters who had refused to work the year before come  
26 to work?

27 A. Yes. In some cases, yes.

28 Q. How many did you end up with  
29 by the end of the season?

30 A. 45 I believe. 44.





1 English

2 Q. Now, were there any particular  
3 problems that you recall, or difficulties that cropped  
4 up during the 1959 season apart from the delays of  
5 ships that you mentioned at the beginning of the  
6 season?

7 A. Delayed ships and lack of  
8 pilots in the beginning, but that was all worked out  
9 towards the last, or by June or July we were certainly  
10 very much smoother.

11 Q. What happened after 1959 when  
12 the 1960 season opened?

13 A. They had a competition for  
14 dispatchers, and I am not sure what Captain Watson  
15 is.

16 Q. Anyway you were no longer engaged  
17 in the dispatching of pilots from 1960 on?

18 A. No.

19 Q. But your husband, I understand,  
20 was appointed a pilot in that District?

21 A. He had been appointed a pilot  
22 in 1959.

23 Q. In 1959, and he remained --

24 A. He has remained since then.

25 Q. Since 1960?

26 A. Yes.

27 Q. I have one more question, Mrs.  
28 Crawford. Will you examine the document which I am  
29 now showing you, and tell me whether it is a report  
30 that you prepared for the season of 1959, showing how





1 English

2 many ships were piloted by each of the pilots in your  
3 District?

4 A. Yes, I believe that is it.

5 Q. How did you work out this  
6 statement? For instance, in relation to Pilot  
7 Henderson, J. R. Henderson, you show --

8 A. Forty-two trips.

9 Q. Three were return within area.  
10 What does that mean?

11 A. Well, our area was from Port  
12 Weller to Sarnia, and say he went from Port Weller  
13 to Cleveland and returned, and Port Weller and Detroit  
14 and returned.

15 Q. So out of 42 trips this particular  
16 pilot would have done three trips which entailed going  
17 from Port Weller to, say, Cleveland and returned?

18 A. Yes.

19 Q. To Port Weller?

20 A. He would be in, say, ten hours  
21 in Cleveland, or something like that, or it could  
22 have been Cleveland, Detroit, Toledo, and back again;  
23 a few hours in each port and return. One Canal in  
24 brackets here, that would be a trip that he took up  
25 to Welland and return on the same ship.

26 Q. It would be purely a Canal  
27 trip?

28 A. That was one Canal trip.

29 Q. Now, I see apparently the  
30 pilot who did the most trips was Pilot Leahy, who





1 English

2 did 50 trips?

3 A. Lenay.

4 Q. And the others averaged between  
5 40 and 50, those who appear to have been busy all  
6 season?

7 A. There is one here, 32. He  
8 had four return trips which always took up more time  
9 than a straight trip.

10 Q. But would it be correct to say  
11 that those who worked the full season would average  
12 between 40 and 50 trips?

13 A. Yes.

14 MR. BRISSET: Will you file  
15 this statement as Exhibit 1079?

16 THE SECRETARY: 1080.

17 THE CHAIRMAN: Would you  
18 describe the document, please?

19 MR. BRISSET: Statement of  
20 work load of pilots during the year 1959 in Port  
21 Weller - Sarnia District.

22 ---EXHIBIT NO. 1080: Statement of work load of pilots  
23 during 1959, Port Weller-Sarnia  
24 District.

25 Q. Mrs. Crawford, you mentioned  
26 that 16 pilots had returned to the roster in 1958.  
27 The pilots who were formerly sailing masters. In  
28 looking over your time book I see the name of Pilot  
29 G. R. Beatty as having worked for two days in the  
30 month of May?





1 English

2 A. That is right.

3 Q. So that would be number 17 then?

4 A. Actually being employed. He  
5 brought a ship down for us from Sarnia to Port Weller.

6 Q. But he did not continue working?

7 A. No, he refused after that to  
8 take any more.

9 Q. During the year 1959 did you  
10 receive any special instructions or suggestions from  
11 the Department of Transport, or were you left more  
12 or less on your own?

13 A. What do you mean by that?

14 Q. Well, did the Department tell  
15 you that you were, for instance, doing something that  
16 was wrong and that it should be done in such and such  
17 a way, or were you left to yourself?

18 A. I would say pretty well to  
19 ourselves. I can't recall anything. They had different  
20 ways of doing things. For instance, with the  
21 Shipping Federation we had to buy our own stamps. There  
22 was just more or less different --

23 Q. Organization?

24 A. Different organization, that  
25 was all. That was all that I found that was different,  
26 other than the fact we couldn't go out and get our  
27 own men. We had to go down the list that they gave  
28 us.

29 Q. Were you making reports to  
30 the government in 1959 of your operations, either





Crawford, dir  
(Brisset)

English

monthly or the end of the year or weekly?

A. I don't believe so.

Q. You were not sending any reports?

A. No.

CROSS-EXAMINATION BY MR. LALONDE:

Q. Mrs. Crawford, do you have a similar report as the one you filed as Exhibit 1080 for 1958?

A. No, I don't think we have. We went through everything. We destroyed a lot of things. If we had one, it would have been destroyed.

Q. If you had one would it have been sent to the Shipping Federation of Canada?

A. I don't imagine so.

Q. So I presume Captain Matheson will produce this out of his files in due time. When your services were retained by the Shipping Federation of Canada in 1958 did you have any contract with the Shipping Federation of Canada?

A. No.

Q. The agreement was oral, I understand?

A. Yes.

Q. Was this agreement reached between yourself and Captain Matheson or between your husband and Captain Matheson?

A. I think between the three of us.





ANGUS, STONEHOUSE & CO. LTD.  
TORONTO, ONTARIO

Crawford, cr-ex 14726  
(Lalonde)

1 English

2 Q. I see. I understand Captain  
3 Matheson came down to your home; is that right?

4 A. Yes.

5 Q. Had you been in touch with  
6 Captain Matheson before, the previous year?

7 A. No, never heard of the man.

8 Q. Do you know how it came that  
9 Captain Matheson descended upon your home one day like  
10 this?

11 A. No, I don't.

12 Q. You have no idea?

13 A. No, I have none.

14 Q. Yourself, you did not have any  
15 contact with the Shipping Federation of Canada before?

16 A. To be quite honest I never  
17 heard of them.

18 Q. To your knowledge had your  
19 husband been in touch with the Shipping Federation  
20 of Canada before?

21 A. Not that I know of.

22 Q. You said that the first visit  
23 you ever had from a representative of the Shipping  
24 Federation of Canada was in April of 1958?

25 A. That is right.

26 Q. I think you said about the  
27 middle of April; is that correct?

28 A. I believe it was. I have  
29 forgotten the exact dates.

30 Q. When did the season open





1 English

2 approximately at that time?

3 A. It was a bit later that year.  
4 I think it was towards the latter part of April.

5 Q. And previously that winter  
6 had you ever heard that there would be a pilotage  
7 District limited to Port Weller-Sarnia?

8 A. No.

9 Q. Would your husband have  
10 mentioned anything about it?

11 A. No.

12 Q. On what basis did you operate  
13 with the Shipping Federation of Canada? As far as  
14 contractual relationships were concerned, were you  
15 on a retainer basis or per day charge or per  
16 dispatching charge?

17 A. My husband got the same  
18 remuneration as the pilots did.

19 Q. Yes, but you mean to say you  
20 did all this work free of any charge whatever?

21 A. Yes.

22 Q. You didn't get any revenue for  
23 all the work you did during that last year?

24 A. I agreed I would help my  
25 husband. Actually he was the one that had been hired.

26 Q. Your husband was the one who  
27 had been hired?

28 A. With the idea that when he was  
29 away or busy I would take over.

30 Q. But you yourself did not receive





1 English

2 any remuneration for this work you were performing?

3 A. No.

4 Q. I understand your husband to  
5 be the one then whose services had been retained  
6 directly for that purpose?

7 A. Yes.

8 Q. Do you have any information as  
9 to the volume of shipping in 1958? I presume we  
10 could get this here by adding all the various trips  
11 which were made. But do you have that?

12 A. I doubt if you could do it that  
13 way. That doesn't show the number of ships. It shows  
14 the number of days the pilot was working.

15 Q. That is right.

16 A. I believe there were somewhere  
17 in the vicinity of 500 ships up the first year.  
18 531 or something like that.

19 Q. And the following year how  
20 many ships did you have?

21 A. There were over 1,000. I have  
22 forgotten.

23 Q. Did you notice also a  
24 substantial increase in the size of the ships the  
25 following year?

26 A. Definitely.

27 Q. Was there any detention in  
28 Detroit in 1958 and 1959?

29 A. Yes.

30 Q. What was the problem there in





1 English

2 Detroit particularly?

3 A. One ship, the Lahienstein,  
4 we had a man on there -- he spent 21 days in Detroit.  
5 He would be taken into dock and work for two or three  
6 hours and they put him back out on the river again for  
7 two or three days. There was absolutely nothing we  
8 could do with that man except leave him aboard the  
9 ship.

10 Q. Did that depend on the pilot  
11 concerned or the ship?

12 A. I would say on the lack of  
13 dockage facilities. The Seaway had opened but the  
14 docks had not been completed.

15 Q. And all along you were aware  
16 of that situation in Detroit?

17 A. We worked with that, and not  
18 just Detroit, but a lot of the other ports.

19 Q. You mean to say there was a  
20 lot of detention time during 1958 and 1959 in  
21 various ports?

22 A. More in 1958-9 than in 1958.  
23 A lot of it was spent out on the lakes.

24 Q. Yes. I understand this man  
25 who was detained for 21 days aboard a ship, you were  
26 aware of that situation at the time; you were in  
27 touch with the man?

28 A. Yes, he was getting rather  
29 desperate.

30 Q. Yes. You said you couldn't do





1 English

2 anything about it. In the sense you had no power  
3 to take the man off the ship or what?

4 A. We had the power to take them  
5 off, but there wasn't much sense in taking a man off  
6 and moving him from there to another ship, and that  
7 same ship had to be moved within a few hours.

8 Q. When you said you had power to  
9 take a man off, where did you get this power from?

10 A. I guess from the government,  
11 I do not know, so we just continued on from the  
12 previous year.

13 Q. I am referring to 1958.

14 A. In 1958 we were told by the  
15 Shipping Federation and we just carried on the same  
16 in 1959.

17 Q. In 1958 you were told by the  
18 Shipping Federation what?

19 A. Not to leave a man there, to  
20 use them.

21 Q. I see. Did you have occasion  
22 to order men off ships during that year -- 1958?

23 A. Oh, yes.

24 Q. And you had no trouble in  
25 that connection?

26 A. No. We had no trouble in 1959  
27 either with taking men off.

28 Q. In 1959, of course, you did  
29 not get either any instructions, written instructions,  
30 or oral instructions, as to the way you would proceed





1 English

2 as to taking men off a ship or things like that? Did  
3 you get anything?

4 A. No.

5 Q. Either in 1958 or 1959 did you  
6 have any written dispatching rules?

7 A. You mean dispatching rules? No.

8 Q. Tour de role rules and all that;  
9 you did not have anything in writing, did you?

10 A. Not that I can recall.

11 Q. Were there any rules or --  
12 yes, rules of operation which were put in writing  
13 and distributed to the pilots in the District as to  
14 how they would perform their duties and anything  
15 relating to their work?

16 A. I believe there was.

17 Q. Was this done by yourself or  
18 by the Department of Transport or by the Shipping  
19 Federation?

20 A. I believe there was both the  
21 Shipping Federation and the Department. I know the  
22 Department did and I believe the Shipping Federation  
23 had the previous year.

24 Q. But you did not yourself  
25 send anything of the sort?

26 A. No, we had no authority to.

27 Q. Did you receive copies of  
28 these instructions at the time?

29 A. Yes.

30 Q. You do not have them with you.





1 English

2 I understand you have destroyed them; is that it?

3 A. No, I have no copies.

4 Q. But in no cases were these  
5 dispatching rules as such; is that correct?

6 A. No; I never had any of those.  
7 It was just first on, first off.

8 Q. Yes. Did you work in cooperation  
9 with representatives of pilots, official representatives  
10 of pilots in 1958 or 1959?

11 A. I do not know whether there  
12 were any organizations or not in either case. If there  
13 were, then I must have worked with them.

14 Q. You referred to a list which  
15 had been handed to you by the Department of Transport  
16 in 1959. Do you have that list with you?

17 A. No, I have not; I am sorry.

18 Q. Do you have it at your home?

19 A. No.

20 Q. That would have been destroyed  
21 also?

22 A. I believe it went back to  
23 Ottawa; I do not know.

24 Q. Were there any comments made to  
25 you when this list was handed to you as to how this  
26 list had been compiled?

27 A. No. We were first notified as  
28 to who the men were over the telephone and then the  
29 man that came up from Ottawa had the list, and we just  
30 went from there.





1 English

2 Q. Who was the official who spent  
3 a week in St. Catharines in 1959?

4 A. Captain Leask.

5 Q. Who were the two officials  
6 who came in the spring in 1959?

7 A. Captain Leask and Mr. Cumyn.

8 Q. Did I understand correctly  
9 when you stated that in 1958 if a man was aboard a  
10 ship for 48 hours or less he would remain aboard that  
11 ship in order to perform the service which would be  
12 required from him and if he were to be detained  
13 aboard a ship for more than 48 hours then you would  
14 call him off? Was that the rule?

15 A. Not necessarily, sir. It just  
16 depended upon the port he was in. Not 48 hours; I  
17 would say closer to 36 hours. At that he was usually  
18 called. There again it was transportation difficulties  
19 we were working under too.

20 Q. You said you made efforts to  
21 get the former sailing masters to join in in 1958.  
22 How was this done?

23 A. Captain Matheson was responsible  
24 for that. He sent wires to all of them.

25 Q. Oh, yes, so these efforts were  
26 made by Captain Matheson, not by yourself?

27 A. Not by ourselves, no.

28 Q. When it came to employing pilots  
29 in 1958 in the District, I think you stated that  
30 some would have been employed by the Shipping





1 English

2 Federation directly and some by yourselves; is that  
3 correct?

4 A. That is right.

5 Q. How did you proceed for the  
6 employment of a man at the time?

7 A. Well, whatever his credentials  
8 were; he had them. I think my husband knew pretty  
9 well all of them.

10 Q. So is it correct to say your  
11 husband was employing them in effect; you were not  
12 yourself having them to pass an examination?

13 A. Oh, no.

14 Q. They would meet with your  
15 husband?

16 A. My husband's approval or  
17 Captain Matheson's approval.

18 Q. Did you receive from the  
19 Shipping Federation any list or any names which you  
20 were not to employ?

21 A. No.

22 Q. In 1959 you were told by  
23 the Department of Transport that you could employ  
24 only 19 men or only 19 men had been licensed for  
25 the District; is that right?

26 A. Twenty men.

27 Q. That is, 19 plus your husband;  
28 is that it?

29 A. Yes. Actually we were given  
30 20 men to begin the season with. One did not show





1 English

2 up. I do not know whether he is working now or not;  
3 I could not tell you.

4 Q. So in effect you had 19 men?

5 A. Yes.

6 Q. Although the Department had  
7 authorized 20?

8 A. Yes.

9 Q. And these 20 men had been selected  
10 by a Board of Examination; is that correct?

11 A. I gather so, yes.

12 Q. Were you told by the Department  
13 officials any particular reason why they decided  
14 they would have only 20 men in that year?

15 A. No.

16 Q. What was the answer when you  
17 told that you thought that you would need about 60  
18 men to do the work?

19 A. I do not think they ever answered  
20 us.

21 Q. Had you written to them in  
22 that respect?

23 A. No. That was while they were  
24 at our home.

25 Q. I think you said that the list  
26 you were provided with was returned to Ottawa?

27 A. I have not got it now, sir. I  
28 do not know where it was.

29 MR. LALONDE: My Lord, could  
30 we ask Commission Counsel or maybe Commission Secretary





1 English

2 to obtain the copy of that list from the departmental  
3 files in due time?

4 MR. BRISSET: If I might clear  
5 this, My Lord.

6 The names that are entered  
7 in your pilot book for April, are these the names  
8 contained in that list? You had to start with  
9 something.

10 THE WITNESS: That was a lot  
11 of the names, but there were other names on the list  
12 that for various reasons did not come.

13 MR. BRISSET: Oh, I see.

14 THE WITNESS: But as we  
15 needed men we had to go down this list and call them.  
16 Some of them had jobs that they did not want to  
17 leave. It was all for casual labour at that time.

18 THE CHAIRMAN: Could you take  
19 a note of that? Would you like this available this  
20 week?

21 MR. LALONDE: Well, if it  
22 was not too difficult for the Department or the  
23 Commission to get it; but if it creates any difficulty..

24 THE CHAIRMAN: No, I think we  
25 can contact the Department by telephone today.

26 CAPTAIN SLOCOMBE: I would be  
27 glad to telephone Ottawa at lunch time and have them  
28 send it right away.

29 THE CHAIRMAN: Thank you very  
30 much, Captain Slocombe.





1 English

2 MR. LALONDE: Q. You said  
3 that by June or July -- or did you say June in 1959 --  
4 things went pretty smoothly from then on; is that  
5 correct?

6 A. No; I would say July, after.

7 Q. You remember that 40 ships  
8 of the U. S. Navy Task Force went up the Seaway  
9 at the time?

10 A. I do.

11 Q. Is it not a fact that that  
12 Task Force came down only some time in August?

13 A. Yes.

14 Q. And didn't this sudden influx  
15 of downbound ships create difficulties at the time?

16 A. Not as bad as going up. We  
17 had more ships upbound. It was bad enough but not  
18 as bad as that.

19 Q. Were there any delays?

20 A. Oh, yes.

21 Q. For these ships when they came  
22 down?

23 A. Yes. You mean, the American  
24 Task Force?

25 Q. Yes.

26 A. Yes. They stayed off at Port  
27 Colborne.

28 Q. Do you remember for how long  
29 some of these ships were delayed?

30 A. Downbound it was not too long.





1 English

2 Upbound it was sometimes a full day.

3 Q. In 1959 you said there was  
4 a pilot boat at Port Weller. Was there a special  
5 charge made to the ships for the services of the pilot  
6 boat when it was used?

7 A. I believe so, but I had  
8 nothing to do with that.

9 Q. I see. That pilot boat was  
10 employed by the Department of Transport directly  
11 or by the Shipping Federation?

12 A. I do not know.

13 MR. LALONDE: Thank you.

14 CROSS-EXAMINATION BY MR. JACQUES:  
15

16 Q. You say that at some time you  
17 had five Americans who were doing pilotage in your  
18 District; is that correct?

19 A. That was in 1958, yes.

20 Q. Do you know how it came about  
21 that they joined your task force? Who chose them?

22 A. They called to see if they could  
23 work and we were short of men and we used them. Mostly  
24 it was from the port that they called from. There  
25 was a ship there; they knew it was there. We had  
26 already called the pilot off and within a day or so  
27 this ship would be moving.

28 Q. You say they called from the  
29 port where they were. Would you give us examples?  
30 Would that be, say, someone in Buffalo who would call





1 English

2 you?

3 A. Call from Buffalo, yes. His  
4 home was in Buffalo and he called from there.

5 Q. Did you check whether he was  
6 actually able to do the job you assigned to him?

7 A. They were men that had been  
8 laid off ships on the American side; Captains from  
9 -- I did not know them personally. My husband had  
10 at that time, but I did not know them.

11 Q. Your husband knew them?

12 A. Yes, with the exception of one,  
13 and Captain Matheson knew him.

14 Q. Oh, I see. And you assigned  
15 jobs to these men in their home ports only?

16 A. No. We took them and used  
17 them as much as possible, which only lasted for, I  
18 forget, I would say about three weeks, four weeks maybe.

19 Q. I have the name of Joe or  
20 Jas Himmelberger. Is that one of the American pilots?

21 A. Yes.

22 Q. And they were employed throughout  
23 your District?

24 A. He was, yes.

25 Q. He was. What about the others?

26 A. The others, we tried keeping  
27 them more or less in the American ports. That man  
28 at that time -- I do not know just how he worked  
29 it, but he had been previous years working on Canadian  
30 ships in Canadian waters.





1 English

2 Q. I see, so the American pilots  
3 would mostly be used in American waters in American  
4 ports?

5 A. Yes, and they came down into  
6 Port Weller or Port Colborne and we would take them  
7 on there. We did that for, I would say, about two  
8 to three weeks.

9 Q. They would do Canal work also?

10 A. I do not know. I believe one  
11 man did come down the Canal but for immigration reasons  
12 it was not too easy.

13 Q. So you were limited to jobs  
14 in American waters, either moving from one American  
15 port to the other or shifting ships in one harbour;  
16 is that it?

17 A. Pretty well so, yes.

18 Q. Would they take ships in from  
19 Cleveland to Port Colborne?

20 A. They have, yes.

21 Q. But they would not go through  
22 the Canal?

23 A. As I say, they did a few times,  
24 but for immigration reasons it was almost impossible.  
25 We were told we could not use them again, so that  
26 was....

27 Q. They were paid the same wage  
28 as the Canadians?

29 A. They were.

30 Q. Were they paid in American funds





1 English

2 or Canadian funds?

3 A. Canadian funds, as far as I  
4 know.

5 Q. There was a premium at that  
6 time?

7 A. There was a premium at that  
8 time. They would not want American funds.

9 Q. This is ancient history now --  
10 the premium on the Canadian dollar.

11 You billed the ships, did you  
12 not?

13 A. That is right.

14 Q. What was the charge that you  
15 made against a ship?

16 A. I could not tell you now, sir.

17 Q. Were these charges made in  
18 all cases in Canadian dollars?

19 A. In Canadian dollars.

20 Q. Do you know what qualifications  
21 were required for pilots in 1958?

22 A. I guess I did at the time, but  
23 I have honestly forgotten -- three years sailing master,  
24 mate, captain of his own ship -- I have honestly  
25 forgotten.

26 Q. Do you know if there was any  
27 agreement or any understanding as to the relationship  
28 between the pilot and the master of the vessel he  
29 was piloting?

30 A. I do not know just what you mean.





1 English

2 As far as what we were told a pilot was to be aboard  
3 a ship in an advisory capacity only.

4 Q. Your pilots didn't have  
5 any licence issued by the Department of Transport?

6 A. No.

7 Q. The only licence they might  
8 have would be their certificate as mate or master  
9 or whatever the case might be?

10 A. That is right.

11 Q. In 1958 when these men were  
12 hired was there any mention of a pension fund or  
13 other fringe benefits available to them?

14 A. Not that I know of.

15 Q. When you were working the  
16 tour de roll, did it happen that a pilot was not  
17 available for a job when you called him?

18 A. Oh, there were times when they  
19 would be out and we would usually try chasing around  
20 to find them. We would go to where we thought he  
21 would be.

22 That really isn't meant the  
23 way it sounds!

24 Q. In the transcript it will read  
25 differently.

26 A. They usually told us when they  
27 left what they were doing and where they were going  
28 and if we needed them before the time they would be  
29 back in we knew they were really down at the beach  
30 or on the golf course or perhaps getting their clothes





1 English

2 cleaned, or some such thing.

3 Q. And has it happened that one  
4 of your pilots would just refuse to go on board at  
5 a given time but would say, "I am too tired. Call  
6 me back in about six hours"?

7 A. Yes, it has happened.

8 Q. It has happened?

9 A. I wouldn't say he has refused.  
10 He has asked if it would be all right -- that he was  
11 just plain too tired.

12 Q. And was the decision taken in  
13 that case by yourself or your husband?

14 A. You can't work a man when he  
15 is tired. We usually could work it out with either  
16 another pilot below him or with the Canal or with  
17 the Captain of the ship. In 1958 the Captains didn't  
18 particularly care about canaling during nighttime  
19 anyway.

20 Q. But there was no sanction  
21 taken against him?

22 A. No.

23 Q. Did you have any case of  
24 drunkenness on duty?

25 A. I honestly don't know. Certainly  
26 I believe so. It had nothing to do with me.

27 Q. This list which you were given  
28 in 1959 -- in April 1959 -- containing the 20 names  
29 -- were you told that names would be added later on?

30 A. I honestly don't know. It came





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English

Crawford, cr-ex  
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1 over the phone and my husband took the message. I  
2 don't really know.

3 Q. But to the best of your  
4 recollection were you then under the impression you  
5 would have 20 pilots period and no more?

6 A. Yes, I think so.

7 Q. That was the understanding that  
8 you had?

9 A. At that time, yes.

10 Q. At that time?

11 A. At that time, yes.

12 Q. The pilot boat at Port Weller  
13 to which you referred -- that was a service provided  
14 by Lakeshore Transportation Company?

15 A. That is right.

16 Q. When you set up the tour de roll  
17 system did you consult with the pilots with respect  
18 to the rules applicable? Did you have a meeting with  
19 pilots before you set up your tour de roll system?

20 A. No.

21 Q. At any time during those two  
22 years were representations or comments made to you  
23 or to your husband about the tour de roll system or  
24 the dispatch rules?

25 A. No, I don't think so.

26 MR. JACQUES: Thank you.

27 CROSS-EXAMINATION BY MR. LALONDE:

28 Q. Could I have the name of the  
29 four or five other Americans who were employed besides  
30 Captain Himmelberger?





1 English

2 A. H. S. Kennedy; Fred Roring;  
3 Morgan Howell; Norvel Donner; James Himmelberger  
4 and Kossak -- I don't remember his first name; he  
5 had one trip down.

6 Q. In 1958 were the pilots asked  
7 to sign any contract between the Shipping Federation  
8 and themselves or between you and the Federation?

9 A. No.

10 Q. There was no written agreement  
11 of any sort?

12 A. No.

13 Q. In 1958, although the District  
14 was limited between Port Weller and Sarnia, I under-  
15 stand that the ships didn't travel by night in the  
16 Canal itself?

17 A. Yes, they travelled by night;  
18 but if Captains came up to the entrance at, say,  
19 nine o'clock at night, they would prefer to anchor  
20 until daybreak.

21 Q. They would prefer to anchor  
22 until daybreak and then proceed?

23 A. The majority of them did at  
24 that time.

25 Q. That was the usual procedure?

26 A. I gather so. You mean prior  
27 to 1958?

28 Q. Well, in 1958?

29 A. Yes; the majority of the  
30 Captains who had been up there many times before and





1 English

2 knew the conditions would prefer to wait until the  
3 daytime.

4 Q. Did you have any complaints  
5 from pilots that they felt that there had been  
6 mistakes in the application of the tour de roll during  
7 these two years?

8 A. No. Sometimes they would ask,  
9 "Where did Joe go?", or "Where is Jim?". And I said,  
10 "Oh, Joe went to Chicago" or "Jim went to Cleveland."  
11 There were never any disputes.

12 FURTHER CROSS-EXAMINATION BY MR. JACQUES:

13 Q. Were there attempts made by  
14 the pilots to juggle the tour de roll system in  
15 order to get a faster ship coming up behind a slow  
16 ship?

17 A. No, I don't think so. If  
18 there were they were done amongst themselves;  
19 certainly not through me.

20 Q. Was your service limited to  
21 deep sea ships only?

22 A. At that time we did not have  
23 any foreign flag ships.

24 Q. Was your service limited to  
25 ships the agents or owners of which were members of  
26 the Shipping Federation?

27 A. I don't know. I don't know  
28 who they belonged to at the time, or whether they  
29 belonged to the Shipping Federation. It was anyone  
30 who called if they needed a pilot we tried to supply one





English

Q. You had received no instructions to limit your service to any particular class of vessel?

A. No.

Q. Can you tell us anything as regards the conditions of work for 1958 or 1957?

A. I don't know anything about 1957 -- the working conditions.

Q. In 1958 you said your house was picketed?

A. That was in 1959.

Q. Did you participate in that stoppage of work in any way, shape or form?

A. No. I was wrong. It was in 1958.

Did I participate....

Q. Did you participate in any way, shape or form in the stoppage of work?

A. Not that I know of. I don't know exactly what you mean.

Q. You just watched events, in other words?

A. Yes, I didn't have too much time to stand and watch them even at that.

Q. Were threats made against you or your husband by anyone?

A. Over the telephone there was one man -- I still don't know who he was -- definitely outside the District -- and I don't think he took duty as a pilot -- I am not sure -- but I believe at





1 English

2 that time he was trying to board an American ship at  
3 dry dock and he did threaten me; but that was....

4 Q. He threatened you with what?

5 A. That I should let him aboard  
6 the ship; but I was in Port Dalhousie and he was at  
7 Port Weller and there wasn't much I could do about  
8 it. He wasn't allowed to get through the gates at  
9 Port Weller so I couldn't do very much for him.

10 Q. Were there any other instances  
11 of threats made against you during the strike?

12 A. Not me.

13 Q. Your husband?

14 A. I don't think so. I can't  
15 remember.

16 MR. JACQUES: Thank you.

17 THE CHAIRMAN: Does that  
18 complete the questions of Mrs. Crawford?

19 MR. LALONDE: Just one: This  
20 gentleman who called you, you say, wanted to board  
21 a ship?

22 A. Yes.

23 Q. He wanted to pilot it?

24 A. He wanted to take a ship out  
25 of the dry dock. I don't know what his name was. I  
26 don't know. I never did find out.

27 THE CHAIRMAN: Thank you for  
28 your clear account of what happened during the years  
29 1958 and 1959. It was certainly pioneer work, but  
30 I think it was certainly in good hands.





1 English

2 THE WITNESS: Thank you.

3 L. H. CRAWFORD, Sworn

4  
5 DIRECT EXAMINATION BY MR. BRISSET:

6 Q. Captain, you heard the evidence  
7 of your wife on the organization and administration  
8 of pilotage between Port Weller and Sarnia, in 1958  
9 and 1959?

10 A. I have.

11 Q. Do you agree with all she has  
12 told us so far?

13 A. I do.

14 Q. Now, in 1958 we were told that  
15 you had under review an agreement with the Shipping  
16 Federation of Canada. Will you tell us what this  
17 agreement was insofar as your remuneration for the  
18 future was concerned?

19 A. Well, I think it was a joint  
20 operation between my wife and myself and the Shipping  
21 Federation; and I was to be paid a pilot's wages  
22 and to be in charge of dispatching and of the running  
23 of the District between Port Weller and Sarnia; to use  
24 the pilots as they were given to us to the best  
25 advantage.

26 I was to go aboard the ship  
27 when possible to see that they had the proper charts  
28 and some of the inland rules and instructions and to  
29 help them, or if we didn't have a pilot to put aboard  
30 them, if the Masters were so inclined to take the ship





1 English

2 themselves.

3 Q. In other words, one of your  
4 sepcial functions was to go aboard ships and see  
5 that they had aboard the right rules of the road and  
6 the charts with recommended courses and so forth?

7 A. That is right.

8 Q. And if the Captain was in need  
9 of some advice you would give him the advice?

10 A. If it was possible that I could  
11 do so, yes.

12 Q. Now, I am showing to you a  
13 document which is part of Exhibit 1078, entitled  
14 "Notes on the Rules of the Road for the Great Lakes",  
15 published by the Shipping Federation of Canada, Inc.  
16 Is this one of the documents you would see was aboard  
17 the vessel when she came up?

18 A. It is, sir.

19 Q. And that was posted where?

20 A. Generally it was posted on  
21 the bridge, on a bulkhead or somewhere in the vicinity  
22 of the wheel or the chart room entrance.

23 Q. And this poster is one that  
24 you have read, I take it, at the time?

25 A. Oh, yes.

26 Q. And as far as you were concerned,  
27 having been a Master on the Great Lakes, did it show  
28 correctly where the particular rules on the Great  
29 Lakes were different from the international rules?

30 A. So far as I could ascertain, yes.





1 English

2 Q. Now, have you had occasion  
3 to meet Masters of these ocean vessels coming up the  
4 Lakes, who couldn't understand what these differences  
5 were?

6 A. I have never met such a Master.

7 THE CHAIRMAN: Are you going  
8 to file this document?

9 MR. BRISSET: It is part of  
10 Exhibit 1078, which is the series of circulars.

11 THE CHAIRMAN: Yes, the  
12 circulars; that is right.

13 MR. BRISSET: Q. Coming back  
14 to remuneration, during the year of operation in  
15 1958, in dollars and cents what did it amount to at  
16 the end of the year, do you recall?

17 A. No, I don't, actually. Whatever  
18 the pilots got, that is what I received. That was  
19 the same rate of pay. It is, I believe, \$40.00 a  
20 day; and, naturally, the expenses that I would incur  
21 were different from those of pilots.

22 Q. In other words, it was \$40.00  
23 a day?

24 A. Yes.

25 Q. And do you recall how many  
26 days you worked during the season 1958? It might  
27 assist you to look at the books you have in front of  
28 you.

29 A. My name doesn't always appear.

30 Q. Well, let us...





1 English

2 A. But it started as soon as  
3 the pilots, or possibly ahead -- possibly around the  
4 15th of April.

5 Q. It started around the 15th of  
6 April and ended up on what date?

7 A. I believe it was somewhere in  
8 neighbourhood -- between the 10th and the 15th of  
9 December. I couldn't tell you for sure, because  
10 after the close of the season I had to square up  
11 some of the things and it takes a little time to do  
12 that.

13 Q. And during the whole period  
14 of receiving the \$40.00 a day you were not absent  
15 from duty?

16 A. No.

17 Q. I understand you were provided  
18 with funds by the Shipping Federation of Canada to  
19 cover the expenses of the office; is that correct?

20 A. Yes.

21 Q. And you had a trust account,  
22 I imagine, with the bank?

23 A. Yes.

24 Q. And out of this account you  
25 paid what type of expenses? Will you give us an  
26 illustration?

27 A. We paid the pilots' transport-  
28 ation to and from the ships. In the course of this  
29 we sent them from Port Weller to Cleveland, Port  
30 Colborne, or any of the intermediate ports between Port





1 English

2 Weller and Sarnia. Also, naturally, if we needed  
3 them back from Sarnia to Port Weller their fare was  
4 paid back; and also all the operations of the office,  
5 the sun room, telephone bills, CNR telegrams.

6 Q. Postage?

7 A. Postage.

8 Q. And other sundry expenses?

9 A. Pertaining to the running of  
10 the office, yes.

11 Q. Now, Captain, amongst your  
12 other functions, let us assume that there was some  
13 difficulty aboard ship; a ship, for instance, might  
14 have had an accident sometime. Would you have proceeded  
15 aboard to investigate?

16 A. Yes, sir.

17 Q. You would?

18 A. Yes.

19 Q. That would be one of your  
20 functions?

21 A. Quite a few times I didn't  
22 have any choice. The pilots generally dug me out to  
23 see that I got up there on a cry to help, to find  
24 out what happened. Also I understood it was part of  
25 my responsibility, I suppose, if you want to call it  
26 that.

27 Q. What did you do once your  
28 investigation was completed? Did you make a report  
29 to somebody?

30 A. Yes.





1 English

2 Q. To whom?

3 A. Well, I had to make it to the  
4 Shipping Federation. I didn't have to. It was their  
5 operation. I was agent for them, and I thought they  
6 were the ones that should know about it.

7 Q. Once your report was made, it  
8 was left in the hands of the Shipping Federation to  
9 take a decision if something had to be done?

10 A. Yes, of any importance. Of  
11 course, minor things that I was actually in on, minor  
12 things that you do on the spot, but those were my  
13 responsibilities. Anything that had to do with  
14 pilots' discipline, that was --

15 Q. It was left to the Shipping  
16 Federation?

17 A. To the Shipping Federation.

18 Q. You said minor things involving  
19 decisions on the spot were handled by you. Could  
20 you give us an illustration of what you would do in  
21 a case of a minor problem?

22 A. Well, there has been a time  
23 when a pilot, through a clash of, shall we say  
24 character?

25 Q. Personalities?

26 A. Personalities is the word, I  
27 believe. They couldn't get along.

28 Q. With whom?

29 A. Well, between the pilot and the  
30 Master, and he would get off and leave the ship.





1 English

2 Q. Yes?

3 A. Well, you couldn't leave the  
4 ship at that position if it was in the Canal, which  
5 invariably it was. You had to make a quick decision  
6 to get the next pilot on turn and take him up, and  
7 we generally worked it out between the Captain and  
8 the pilot what happened, and what transpired, and  
9 what brought it about, and very seldom did any  
10 Master in that respect ever say anything against the  
11 pilot. It was just a clash of personalities. The  
12 easiest way was to change the pilot and carry on.

13 Q. In other words, one of your  
14 duties was to smooth out the difficulties that might  
15 occur at times on board ship?

16 A. Yes.

17 Q. Generally how do you feel  
18 the service worked in 1958? Both insofar as pilots  
19 are concerned and the ships, once it got entrained?

20 A. I would say it worked very  
21 well. I am talking for myself. I think any of the  
22 pilots that had anything to say against it generally  
23 did to us, but we were able to iron it out.

24 Q. Was there any clash of  
25 personality between you and the pilots serving in  
26 your District during that year?

27 A. I don't think, sir, in an  
28 organization, in an operation such as that, that  
29 I could truthfully say there was not, but on the  
30 whole I think it worked very well and we did get along.





English

1  
2 Q. The pilots, we were told by  
3 Mrs. Crawford, would call at your home before  
4 assignment when that was possible. Do you recall  
5 that?

6 A. Yes, sir.

7 Q. They were served a cup of tea  
8 or coffee and they were treated as if in the family?

9 A. Yes. I haven't got enough  
10 of them together yet to get them to donate the  
11 cost, the coffee pot. We ruined it. But anyway  
12 that was part of the -- we would get cooperation. I  
13 wouldn't say that would work in a business; I don't  
14 think it would, but in that respect I think we had  
15 good cooperation and the good feeling of the pilots.

16 Q. One more question on this  
17 matter of relationship with the pilots, Captain. Did  
18 you have occasion to impose particular measures of  
19 discipline during your first year of operation, say,  
20 in 1958, or were these matters referred to Montreal?

21 A. We had occasion -- and when  
22 I say "we" it was a case of inebriation when the  
23 Master reported the incident, and it was referred to  
24 the Shipping Federation, and they took action. After  
25 all, they were the people that actually was at the  
26 head, and I just administered.

27 Q. Generally speaking could you  
28 comment on the state of discipline in your District  
29 in 1958? In other words, were you satisfied with  
30 the general government and conduct of pilots?





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TORONTO, ONTARIO

Crawford, dir  
(Brisset)

14757

English

A. Yes, I believe I could say --  
at least it worked.

Q. Now, during that year were  
you also doing some pilotage occasionally?

A. Later on in the year, yes.

Q. When you say "later on", when  
did you start approximately?

A. Well, it is pretty hard to  
say. Sometimes I go down and help, maybe August  
or September, from there on. Maybe some of these  
pilots would be tired and I could go down and take  
the ship up the Canal while the pilot slept either  
uptown in the hotel -- sometimes we both used to  
go down to the ship.

Q. And you would do a few things?

A. I would do a few locks while  
he slept.

Q. You did this towards the  
latter part of the season?

A. Yes, towards the end.

Q. Was there any material change  
in the running of your District in 1959 after the  
government took over, or did you operate about the  
same way?

A. I think we operated about the  
same way.

Q. I understand you are a pilot  
now in the District?

A. I am.





English

Q. A regular pilot?

A. I am.

Q. When did you start piloting  
as a regular pilot?

A. In April, 1960. As such. As  
a pilot now.

Q. You have been piloting ever  
since?

A. Yes.

THE CHAIRMAN: You got your  
licence in 1959 though?

THE WITNESS: Yes. I had one  
licence issued by the Department in 1959, and in  
1960 they gave us the one we hold today.

CROSS EXAMINATION BY MR. LALONDE:

Q. Do I understand the licence  
you had was an identification card as you have today,  
or did you have a real pilot's licence?

A. No, it was on the basis of  
the one -- without our photographs on it.

Q. Would you look at it?

A. This is the one I hold today.  
The other one was a different one.

Q. I notice that this document  
is entitled Great Lakes Pilot Registration Certificate,  
Department of Transport, Canada, signed by yourself  
and Captain Jones; is that correct?

A. Yes.





English

Q. Captain D. R. Jones and yourself. The document in 1959 was the same type except it did not have your photo on it?

A. Yes.

Q. Is it true in 1958 and before that deep sea ships would often tie up or anchor at night in the District or in the Welland Canal?

A. I don't know previous to 1958, but I do know in 1958 some of the Masters leaving Toronto worked up until eleven o'clock and they would come over and prefer to anchor until morning. I took that just at their own -- that wasn't questionable; that was their own seamanship or judgment or whatever you call it.

Q. Were you a sailing master before 1958?

A. I was not.

Q. What were you doing? What were you doing before 1958?

A. I was Master on lake ships.

Q. So you came to pilotage only in 1958; is that correct?

A. That is right.

Q. Did you know Captain Matheson before 1958?

A. No.

Q. Was the first time you had a meeting with Captain Matheson towards the middle of April, 1958?





English

A. Somewhere in April. I couldn't say whether it was the middle. After all, that is about six years ago.

Q. Yes. You said that the previous year you were a Master aboard a lake ship?

A. That is right.

Q. And did you plan to return to your ship in April of 1958?

A. I planned to return.

Q. So one day in April you had a visit from Captain Matheson without ever having heard of him or without having ever met him before; is that correct?

A. I don't think I ever met Captain Matheson. I had heard of the Shipping Federation. Any sailor that ever passes through Montreal hears something.

Q. Then you received this offer to manage the operation of pilotage for the Shipping Federation in the District at that time?

A. Yes.

Q. Had you advised your former company you would be returning as a Master at that time?

A. No. About two years previous to that he advised us that as soon as the Seaway was going to be in there was going to be a good many of us didn't have a job.

Q. I see.





English

A. He was going to scrap a good many of his Canal boats.

Q. I see. So you expected that by the opening of the Seaway the following year you might very well find yourself without a job?

A. Yes.

THE CHAIRMAN: You were domiciled in Port Dalhousie, were you?

THE WITNESS: Yes.

THE CHAIRMAN: Also one other question with regard to licences, in 1959 you had that licence without your photo, but in 1958 were the pilots, or the ones in your District, had no kind of licence?

THE WITNESS: No, sir, not as such.

COMMISSIONER SMITH: Just one more question following that up: Did you have any relationship with the Department in any way? Reporting to them, or did they have any oversight, or was there any connection in the pilotage operation between your operation and the Department of Transport in 1958?

THE WITNESS: In 1958, no, sir.

COMMISSIONER SMITH: None whatsoever?

THE WITNESS: No. Not as such. You mean did they have some management?

COMMISSIONER SMITH: Well, no,





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TORONTO, ONTARIO

Crawford, cr-ex  
(Lalonde)

English

I did not mean management. I meant oversight. Were you recognized? What was the attitude of the Department towards the operation, towards your operation, in 1958?

THE WITNESS: I don't recall any connection between the Department. I think it was just --

COMMISSIONER SMITH: Private enterprise?

THE WITNESS: Well, I don't know whether it was private enterprise. As far as I was concerned, I was given the job to manage and dispatch pilots in the Port Weller - Sarnia District.

MR. BRISSET: By the Federation?

THE WITNESS: By the Federation.

BY MR. LALONDE:

Q. By the Federation of Pilots?

A. By the Shipping Federation.

THE CHAIRMAN: In 1958!

Q. You did not have to make any reports to the Department of Transport in 1958 about anything?

A. No, sir.

Q. Casualty reports?

A. No, sir.

Q. Do you know what happened to the pilot whose case you referred to the Shipping Federation for disciplinary purposes in 1958?

A. He was eventually brought back.





1 English

2 Q. I understand that he was  
3 suspended then?

4 A. Suspended? He was given a  
5 holiday I guess as far as that goes.

6 Q. He was off the list for a while?

7 A. He was off the list. Eventually  
8 he knew why.

9 Q. Was he paid in the meantime?

10 A. No, he was not paid

11 Q. You are a pilot in the District;  
12 you say you have been a pilot in the District since  
13 April, 1960?

14 A. That is correct.

15 Q. As a regular pilot?

16 A. As a regular pilot.

17 Q. I think I have found now the  
18 reason for the title of Supervising Pilot. Were you  
19 called as such by the Department in 1959?

20 A. I believe I was. I couldn't  
21 say. I believe I was but I am not sure.

22 Q. You did some piloting in 1959?

23 A. Yes, much to the consternation  
24 of the Department. They thought I was working too hard  
25 at both jobs.

26 Q. Did you have to pass another  
27 examination in April; before April, 1960?

28 A. There was a competition for  
29 pilotage in the spring of 1960.

30 Q. I would like you to recall the





1 English

2 events as clearly as possible. April, 1960, that would  
3 be one year after the Seaway would have opened, and the  
4 year after you had --

5 A. In 1959, in the spring of  
6 1959 I believe is when they had -- I'm not quite sure,  
7 but I think it was in 1959.

8 Q. Do you remember having passed  
9 two examinations or one examination before a Board?

10 A. I think it was one.

11 Q. Only one?

12 A. I think so.

13 Q. Is there not good reason  
14 to believe the examination would rather be the spring  
15 of 1959 than the spring of 1960?

16 A. Yes, I think so.

17 Q. Who did you pass that examination  
18 before?

19 A. All I know, there was a  
20 Board, but I don't know who was on it actually.

21 Q. Where was the examination held?

22 A. Toronto. I cannot recall the  
23 names of the men that were on it.

24

25

26

27

28

29

30





Crawford Cr Ex  
(Lalonde)

1  
2 Q Was it a long examination or a  
3 short one?

4 A A short one.

5 Q Yes. What kind of questions were  
6 you asked?

7 A Whether I had been master.

8 Q Yes?

9 A How long; how many lakes I had  
10 sailed.

11 Q Yes?

12 A If I had been in here, been there.  
13 I guess that is about all; I do not know.

14 Q That is about all?

15 A I could not recall. It did not  
16 take long. That is about all.

17 Q All told how long did the examin-  
18 ation take approximately, as far as you can remember?

19 A I could not say.

20 Q Two hours or five minutes?

21 A Well, considerably longer than five  
22 minutes.

23 Q But I understand it was a general  
24 examination as to whether you had travelled on the  
25 lakes, various ports and things like that?

26 A Yes. Previous to that we had  
27 passed our master's examination and all those questions  
28 had gone and there was written and oral and all those.  
29 This was just a follow-up to see whether you had the  
30 experience, I imagine.





1 Q Were you asked any questions about  
2 the operations of deep sea ships?

3 A I do not recall; I do not think I  
4 was.

5 Q I do not want to anticipate things,  
6 but I have just one or two questions. You are a pilot  
7 in the district now. As you have stated, I understand  
8 you are President of the Civil Service Association; is  
9 that correct -- the local organization?

10 A Yes.

11 Q I notice a brief has been presented  
12 before this Commission. Have you seen this brief be-  
13 fore it was filed with the Commission, the actual text?

14 MR. JACQUES: My Lord, I do not  
15 wish to interfere with my learned friend's cross-  
16 examination, but I spoke to Mr. Tombs and to Mr.  
17 Crawford before the hearing got under way and Captain  
18 Crawford would prefer to wait until Mr. Tombs is avail-  
19 able before their brief is discussed.

20 MR. LALONDE: I do not want to dis-  
21 cuss the brief, My Lord. I only have that question.

22 THE CHAIRMAN: That is all right.

23 THE WITNESS: Well, it depends on  
24 when it was filed.

25 THE CHAIRMAN: Let us say about a  
26 month ago.

27 MR. LALONDE: About a month ago.

28 THE SECRETARY: My Lord, I can give  
29 you the exact date on which this brief was received.  
30





Crawford Cr Ex  
(Lalonde)

1 MR. LALONDE: Q I am showing you  
2 a copy of the brief.

3 A I have seen the brief.

4 Q Did you see the text of the brief  
5 before it was filed with the Commission about a month  
6 ago? You have read this document?

7 A I have read it, yes.

8 Q Did you see it before it was filed  
9 before this Commission, this exact text?

10 A Possibly; not in that exact form,  
11 not in this, but maybe in the rough I saw it.

12 Q You say maybe in the rough you saw  
13 it?

14 A Yes, but I cannot recall what all  
15 was in it.

16 THE SECRETARY: It was received by  
17 the Commission on February 28th.

18 MR. LALONDE: Q But as far as you  
19 know, no copy was sent to you for your signature be-  
20 fore being submitted to the Commission?

21 A No.

22 MR. LALONDE: Thank you.

23 THE CHAIRMAN: Any further questions  
24 of Mr. Crawford?

25 MR. JACQUES: Yes, sir.

26 THE CHAIRMAN: Are you going to have  
27 very many?

28 MR. JACQUES: We may as well ad-  
29 journ now.  
30





1 THE CHAIRMAN: From what I see you  
2 are going to have quite a few, so we will take a ten-  
3 minute break.  
4

5 ---SHORT RECESS  
6

7 THE WITNESS: My Lord, may I make  
8 a correction on a statement that I made involving the  
9 pilots' licenses? The first licence that was issued  
10 to us was 1960 and the next one was 1961.

11 THE CHAIRMAN: So it was nothing you  
12 had then, no document whatsoever when it was admini-  
13 stered by D.O.T. in 1959?

14 THE WITNESS: That is right.

15 THE CHAIRMAN: And in 1959 was it  
16 compulsory for the ships that are not exempt to pay  
17 pilotage dues?

18 THE WITNESS: No, not that compulsory.

19 THE CHAIRMAN: It was a free service.  
20 It was still a service -- just a service?

21 THE WITNESS: That is right.

22 THE CHAIRMAN: If they did not  
23 want to have any pilot they could carry on?

24 THE WITNESS: That is right.

25 MR. JACQUES: With respect to  
26 licences I am advised that the document which is now  
27 held by the pilots should not be called a licence. It  
28 was first an identification card and then later on a  
29 certificate of registration. It should not be called  
30





1 a licence.

2 THE CHAIRMAN: The one they hold  
3 now?

4 MR. JACQUES: Yes, My Lord.

5 THE CHAIRMAN: Even the one they  
6 hold now?

7 MR. JACQUES: Yes, My Lord.

8 MR. BRISSET: It is under the  
9 Great Lakes Pilotage legislation in both the U.S. and  
10 in Canada.

11  
12 CROSS-EXAMINATION BY MR. JACQUES:

13  
14 Q In 1958 when you were doing dis-  
15 patching do you know if there were still sailing  
16 masters on the Great Lakes?

17 A As such I could not answer that  
18 question positively. I do not think there was.

19 Q There was a strike in 1958, 1959?  
20 There was a stoppage of work of some kind between  
21 1957 and 1960? In 1958, if my memory of previous  
22 hearings has been right, there was a stoppage of work  
23 by sailing masters?

24 A I believe so.

25 MR. BRISSET: My Lord, might I  
26 clarify this? Some sailing masters refused to serve  
27 in District No. 2 properly.

28 THE CHAIRMAN: Was there a District  
29 No. 2 then?  
30





1 MR. BRISSET: Well, the district of  
2 Port Weller/Sarnia.

3 THE CHAIRMAN: It is getting  
4 confused.

5 MR. LALONDE: In effect, I was not  
6 there at the time, but in 1958 sailing masters did go  
7 on strike under the Great Lakes Pilotage Association.  
8 That is when there was that picketing at Kingston and  
9 also I understand there was picketing here of some  
10 sort. It was a form of picketing.

11 THE CHAIRMAN: I think when Captain  
12 Matheson is heard on that he is going to clarify all  
13 the situation, because I think he was there too.

14 MR. LALONDE: An injunction must  
15 not have been taken for nothing at the time.

16 MR. BRISSET: Some sailing masters  
17 were refusing to serve in the district between Port  
18 Weller and Sarnia.

19 MR. LALONDE: Quite a lot of sail-  
20 ing masters were not asked to serve.

21 MR. BRISSET: That remains to be  
22 proven.

23 THE CHAIRMAN: This is their con-  
24 tention in their brief, the pilots' brief.

25 MR. BRISSET: Yes, and they wanted  
26 to enforce the sailing master system that had been  
27 ended by the Shipping Federation of Canada starting  
28 from 1958.

29 MR. LALONDE: That also remains to  
30





1 be proved.

2 MR. BRISSET: We shall see what we  
3 shall see.

4 MR. JACQUES: Q Anyway, Mr.  
5 Crawford, there is one thing that is sure. Your wife  
6 said there was picketing in front of your house?

7 A Yes.

8 Q I imagine you must have been aware  
9 of that picketing also?

10 A Yes.

11 Q You were; all right. Who was  
12 picketing?

13 A Do you mind clarifying that? Who  
14 was picketing; who carried the signs, or who was be-  
15 hind the -- ?

16 Q Who was the -- I was going to use  
17 a latin expression, but let us say who was behind this  
18 picketing; who provoked that picketing? Was there an  
19 organization? If so, what was the name? Was there  
20 an official group? If so, what was the name under  
21 which it was known?

22 A I do not think possibly I could be  
23 qualified to answer that. I previously stated I was  
24 not a sailing master on the lakes.

25 I was only hired or agreed to dis-  
26 patch pilots and administer the pilotage district from  
27 Port Weller to Sarnia. Therefore I do not think I am  
28 qualified to say anything that happened previous to  
29 that at all.  
30





1 Q When your house was being picketed  
2 were you operating the Port Weller/Sarnia district?

3 A Yes, sir.

4 Q You were. And your house being  
5 picketed, you mean to tell me that you did not have  
6 the curiosity of finding out who were picketing your  
7 house -- I mean, individuals or whether they were part  
8 of an organization?

9 A The individuals that were picketing  
10 our house I do not believe were part of any organization.

11 Q All right. What was their profession?

12 A That, I am sorry, I did not enquire.

13 Q You did not enquire, so it might  
14 have been the laundry men of Port Dalhousie picketing  
15 your house for all you know?

16 A It very likely was.

17 Q So you do not know any of these  
18 gentlemen at all?

19 A That actually carried the signs in  
20 front of our house? I know them as residents of Port  
21 Dalhousie at the time.

22 Q Subsequently to this picketing did  
23 you find out what was their profession?

24 A No.

25 Q You did not find out? You have  
26 never met any of those gentlemen later on?

27 A If you mean the organization that  
28 was behind the picketing, yes, I have met them, but not  
29 the actual sign-carriers.  
30





1 MR. JACQUES: I am sorry; could  
2 you repeat your answer? Your counsel was talking.

3 THE CHAIRMAN: We might have the  
4 stenographer read it.

5  
6 --- (The following passage read by Reporter: "If you  
7 mean the organization that was behind the picketing,  
8 yes, I have met them, but not the actual sign-  
9 carriers.")

10  
11 MR. JACQUES: Q All right, not  
12 the actual sign-carriers. What was this organization?

13 A I believe it had something to do  
14 with the sailing masters.

15 Q This list of 20 names which was  
16 given you over the telephone in April, 1959, was that  
17 ever put down in writing and forwarded to you officially  
18 by the Department of Transport?

19 A I believe at some time we have had  
20 a list of names.

21 Q When you were given that list,  
22 either over the telephone or received it later on,  
23 were you told that this was the number of pilots that  
24 were going to be licensed for the district and no  
25 more?

26 A I do not believe in so many words  
27 we were told that. I think it was told that that was  
28 the pilots that we were going to have to begin the  
29 season with.  
30





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TORONTO, ONTARIO

Crawfore Cr Ex  
(Jacques)

14774

1 Q To begin the season with?

2 A I do not think there was anything  
3 mentioned about licenses. That was the roster that  
4 we were to begin with.

5 Q Were you told that this would be  
6 increased later on?

7 A I do not think I waited for that.  
8 I think I mentioned the fact that it had to be in-  
9 creased as soon as possible.

10 Q You felt that 20 was not a sufficient  
11 number of pilots in that district?

12 A Not by reading in the Press where  
13 65 ships anchored below Montreal waiting to come up  
14 through the Seaway.

15 Q When you asked for an increase in  
16 the number of pilots what answer were you given?

17 A Well, I am not sure; I could not  
18 state the exact words.

19 Q No, but what was the intent of the  
20 answer?

21 A That subsequently there would be  
22 more pilots available.

23 Q They did not tell you when they  
24 would be available?

25 A No.

26 Q The number that would then be  
27 available?

28 A No, not that I can recall.

29 Q In 1958 we were told by your wife  
30





1 that you sometimes hired pilots, is that correct, on  
2 behalf of the Federation?

3 A On behalf of the Federation, yes.

4 Q What qualifications did you require  
5 when you hired these men?

6 A Well, the same qualifications that  
7 the Federation laid down. I believe they had to have  
8 a master's licence or a mate, had been sailing within  
9 the district, or reasonably so, or been a sailing  
10 master.

11 Q Did you interview the man before  
12 hiring him?

13 A Yes. Then we had to submit his  
14 name to the Federation.

15 q What sort of interview did you  
16 carry out? What questions did you ask?

17 A Well, much the same as was asked  
18 me. After all, we were looking for experienced --

19 Q Ship handlers?

20 A What kind of licences and ex-  
21 perience they had in handling ships.

22 Q We were told that some Americans  
23 were hired and apparently this was done over the tele-  
24 phone; is that correct?

25 A That is right.

26 Q Were these gentlemen that you knew  
27 personally?

28 A Not necessarily. Some of them I  
29 did and some of them I did not.  
30





1 Q Some of them you did not know?

2 A Personally.

3 Q Those you did not know, did you make  
4 an enquiry as to their qualifications?

5 A Well, some of them I knew the ship  
6 lines, the lake ship companies that they worked for.  
7 They were not actually total strangers.

8 Q I see, and you accepted that as  
9 sufficient indication of their ability?

10 A Yes, a couple. There was only  
11 about two that I did that with.

12 Q Did your choice have to be approved  
13 by the Shipping Federation afterwards?

14 A Oh, yes. I did not do anything on  
15 my own. I would call these people up and then notify  
16 the Shipping Federation. If I had a reasonable reply  
17 for them then they accepted my ..

18 Q When you did the dispatching your  
19 office or your sunroom was open for business 24 hours  
20 a day, I take it?

21 A Yes.

22 Q Did you have anyone working with  
23 you and your wife or did the two of you , only the  
24 two of you took watches or took turnabout to answer  
25 the phone?

26 A Only the two of us. Oh, once in a  
27 while I would get somebody to answer the phone, but  
28 actually he or they could not do anything because --  
29 well, answering services as we know them today do not  
30





1 substitute for the actual running of the business. If  
2 somebody answered the phone they invariably had to turn  
3 it over to either my wife or myself.

4 Q And when you were a dispatcher did  
5 you hold meetings with the pilots to discuss dispatch-  
6 ing rules or work rules?

7 A No. I do not think we ever held  
8 any formal meetings.

9 Q Well then, you had informal meetings?

10 A Well, they just came in. I do not  
11 think there was any rules discussed at that time. We  
12 just dispatched them and as long as we kept them in  
13 turn I think that was the main thing.

14

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1 Q Now, since you have been operating  
2 a dispatching station in the Port Weller/Sarnia  
3 district I think you might be in a good position to  
4 give us your opinion on the dispatching system. Has  
5 dispatching improved, or is it the same quality, or  
6 of the same efficiency, or is it worse?

7 A I don't know whether I could be  
8 actually qualified to say that. After all, now they  
9 dispatch me, and when they dispatch me I am in the  
10 office and I get my assignment and I go to the ship;  
11 and, therefore, I don't know what goes on in the  
12 office.

13 Q Now, are you presently dispatched  
14 as you dispatched others in the past?

15 A Reasonably --

16 Q I mean on the basis of doing unto  
17 others what others would do unto you?

18 A Yes. Sometimes I am happy and  
19 sometimes I am not so happy, which happened in the  
20 same sense when we were operating. I am sure we some-  
21 times dispatched a pretty grumpy pilot and sometimes  
22 we dispatched a pretty happy pilot; but all in all I  
23 am speaking for myself.

24 Q Would it happen nowadays that some-  
25 thing went wrong and wires got crossed and pilot A  
26 got to ship B and ship A was left without a pilot?  
27 Would this happen?

28 A When we were doing it?

29 Q Yes.





1 A Well, I don't think I could say  
2 definitely that it had happened; but I also definitely  
3 couldn't say that it didn't happen.

4 Q And nowadays is there confusion  
5 at times in the dispatching of pilots?

6 A Well, there again confusion -- I  
7 wouldn't know --

8 Q So far as you are concerned?

9 A They definitely assign a place for  
10 me to go and I don't stop around to find out if there  
11 is confusion in there or not; I just had one place to  
12 go and --

13 Q Well, were you ever dispatched to  
14 a wrong ship, or the wrong place at the wrong time,  
15 or any one of them?

16 A Oh, I have been dispatched to where  
17 there were two pilots and maybe I thought I should  
18 have been dispatched to a certain ship and another  
19 pilot got it. But, where --

20 Q Does that happen very often?

21 A It doesn't happen to me very often;  
22 for the rest of them I couldn't say.

23 Q I am talking about your own ex-  
24 perience?

25 A Well, that was one definite time.  
26 That was the only time.

27 Q That was last year?

28 A That was last year.

29 Q On the whole would it be fair to  
30





1 say that dispatching to-day is just as efficient as it  
2 was in your day? You live in the district? Unless  
3 you shut your eyes and ears you should be aware of what  
4 is going on?

5 A I live in the district, but I don't  
6 frequent the pilot office. When I am at home I go  
7 home and I stay there -- well, within reason. I don't  
8 go to the pilot office and sit around and try to find  
9 out whether they are doing better than we were. I go  
10 home and wait for my call -- my next call.

11 THE CHAIRMAN: I think that the  
12 witness is not in a position to answer this question  
13 because somebody could have a contrary opinion. It is  
14 a very difficult question to answer; and nobody is a  
15 good judge of his own actions.

16 THE WITNESS: I am also trying to  
17 evaluate the office. It operates on seven people as  
18 against our two. I don't think I could compare either  
19 fairly.

20 MR. JACQUES: Q And with not quite twice  
21 the number of pilots that you had? You had a maximum  
22 of forty or forty-five in 1959, did you not?

23 A Yes.

24 Q And in 1958 you had thirty?

25 A Twenty-seven -- yes, approximately  
26 thirty.

27 Q And now there are approximately  
28 sixty?

29 A There are approximately sixty, I  
30





1 think, in the district.

2 THE CHAIRMAN: We should also say  
3 that the conditions cannot be compared now. There are  
4 American pilots now and before they were all Canadians,  
5 or all in the same position and they were all employees;  
6 and now they are not all employees and some of them  
7 are free and others are public employees.

8 MR. LALONDE: And the district has  
9 also been substantially enlarged to include the open  
10 water.

11 MR. BRISSET: And the dispatching  
12 is done at Sarnia.

13 MR. JACQUES: Thank you.

14 THE CHAIRMAN: Are there any further  
15 questions for Captain Crawford?  
16

17 FURTHER CROSS-EXAMINATION BY MR. LALONDE:  
18

19 Q Your choice of the man, of the  
20 pilot, had to be approved by the Shipping Federation,  
21 I understand, in all cases?

22 A You mean that the Federation could  
23 possibly overrule the choice that I had made regard-  
24 less of --

25 Q No; what I mean is this: Was there  
26 a regular procedure that before you could employ any  
27 pilot, say, an American or a Canadian, you would have  
28 to get authorization from the Shipping Federation?

29 A Most always, yes.  
30





1 Q Excuse me?

2 A Most always.

3 Q Then, there was no strict rule that  
4 you should have previous authorization before you could  
5 employ a man?

6 A I could not employ him as such  
7 without the authorization of the Federation. I couldn't  
8 say "You are coming on and I am going to pay you."  
9 That I couldn't do. It was more that if a man wanted  
10 to come --

11 Q You said "most always". That implied  
12 --

13 A What I was trying to explain is  
14 that sometimes they didn't know a man that I did and  
15 I would have to explain to them that I thought he was  
16 qualified to do the job; and, therefore, they would  
17 take my --

18 Q No man would start work in the  
19 district unless you got approval of the Shipping  
20 Federation before?

21 A Yes.

22 Q And that would apply even when you  
23 got a call from an American pilot, or from an American  
24 master who would like to pilot a ship somewhere in the  
25 lake in the American ports; is that correct?

26 A Yes.

27 Q And how would you do it?

28 A I would call right away and say  
29 there was an American willing to take his ship into  
30





1 port.

2 MR. JACQUES: In 1959 when the  
3 Department of Transport issued registration cards of  
4 pilots did you have anything to do with the choice of  
5 pilots?

6 THE WITNESS: No, I did not.

7 MR. JACQUES: And when you were  
8 asked to continue to do the dispatching were you  
9 given any terms of reference on the power and author-  
10 ity which you could exercise over the pilots?

11 THE WITNESS: I don't think it was  
12 actually stated -- any terms. I think I was expected,  
13 or maybe told, to carry on as we had the previous year;  
14 and the differences naturally between the two systems  
15 -- one was the Federation and the other was the  
16 Government -- I think we expected some difference;  
17 but it didn't come up as such.

18 MR. JACQUES: Thank you.

19 THE SECRETARY: I have one or two  
20 questions to clarify the record.

21 You said you were hired by the  
22 Shipping Federation to look over the administration of  
23 pilots and dispatch of pilots in 1957; is that correct?

24 A In the Spring of 1958.

25 Q Did you do anything for the  
26 Shipping Federation in 1957?

27 A No, I did not.

28 Q Were you operating as a master --

29 A Not as a master.  
30





1 Q -- of a laker?

2 A Of a laker in 1957, yes.

3 Q And you took on this task for the  
4 Shipping Federation in the Spring of 1958?

5 A Yes.

6 Q The situation was the same through-  
7 out 1958; is that correct? You continued to operate  
8 as Shipping Federation agent --

9 A Yes.

10 Q -- in the Port Weller/Sarnia  
11 district?

12 A Yes.

13 Q In 1959 when the Department of  
14 Transport took over, can you recall whether there was  
15 any correspondence with respect to the transfer of the  
16 responsibility of dispatching pilots from the  
17 Federation to the Department of Transport? Were you  
18 told in writing, or was this all verbal?

19 A This was all verbal.

20 From what I can recall on my own  
21 part, I don't know what transpired between the  
22 Department of Transport in writing and the Shipping  
23 Federation.

24 Q In that case were you given leave  
25 in writing by the Shipping Federation?

26 A I don't think I have anything in  
27 writing.

28 Q Did you have anything in writing  
29 when you were hired by the Shipping Federation?  
30





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A No.

Q Nothing in writing?

A Shall we say it was a gentleman's agreement?

THE CHAIRMAN: There were Federation cheques coming in...

THE WITNESS: Yes.

THE CHAIRMAN: And they changed one day to the Department of Transport?

THE WITNESS: Yes.

THE SECRETARY: The sailing masters who were taken on as such while you were discharging your functions -- what license or ticket were they using?

A I believe...

Q I presume you had to inquire into this, had you?

A I don't think I was called upon to enquiry into that. The fact that they were sailing masters before -- I don't know what qualifications they had.

Q But didn't you hire them personally subject to the approval of the Shipping Federation?

A As they came in 1958?

Q Yes.

A Yes.

Q Did you ask for written qualifications?

A I didn't ask for written





1 qualifications.

2 Q You didn't ask them to show you  
3 their ticket. You assumed that they were ...

4 A I assumed that they were.

5 THE CHAIRMAN: But you had then a  
6 list of all the sailing masters that had been operating  
7 before?

8 THE WITNESS: Yes.

9 THE CHAIRMAN: You were provided  
10 with such a list?

11 THE WITNESS: Yes.

12 THE SECRETARY: Who gave you that  
13 list -- the Shipping Federation?

14 A The Shipping Federation supplied  
15 me with a list of the men that were operating out of  
16 Kingston.

17 THE CHAIRMAN: This is Exhibit No.  
18 1079.

19 THE SECRETARY: The St. Lawrence  
20 Seaway was opened to deep sea ships in the Summer of  
21 1958; is that correct?

22 A In the Summer of 1959.

23 Q In the Summer of 1959. The Lachine  
24 Canal was still used in 1958?

25 A Yes.

26 CAPT SLOCOMBE: May I be permitted  
27 to explain one thing on which there may be some mis-  
28 understanding here?

29 THE CHAIRMAN: Yes.  
30





1 CAPT SLOCOMBE: As far as the  
2 Canada Shipping Act is concerned there is no such  
3 thing as "sailing master".

4 These men were employed to assist  
5 the masters of ships. They were never in command of  
6 these ships on which they went as sailing masters.

7 Any ship's master was free to em-  
8 ploy any help he wanted to in this respect. There was  
9 no question of certification of a sailing master, ex-  
10 cept insofar as the employer might wish to satisfy  
11 himself as to the qualifications of the man whom he  
12 employed.

13 Does that explain the matter?

14 THE CHAIRMAN: Yes, it does.

15 MR. BRISSET: On this question, if  
16 the man had been a sailing master the previous year  
17 was that sufficient qualification to accept him on  
18 your roster?

19 THE WITNESS: Yes.

20 MR. BRISSET: If approved by the  
21 Shipping Federation?

22 THE WITNESS: Yes.

23 THE CHAIRMAN: Subject to further  
24 evidence on this I would say that, flowing from what  
25 has been just said, in 1958 the sailing masters that  
26 were being employed by the Shipping Federation were  
27 told that the Shipping Federation would now organize  
28 a pilotage system which was, in fact, still a group  
29 of sailing masters; that they were not pilots so far  
30





1 as what we know is a licenced pilot.

2 CAPT MATHESON: If they had the  
3 necessary certificate.

4 THE CHAIRMAN: This will come up  
5 in the evidence.

6 THE WITNESS: If I may add some-  
7 thing to what Captain Slocombe has said, I think we  
8 are all thinking of sailing masters as being operated  
9 only on the lakes. I think in years past some of the  
10 lake Companies used to hire men who only had an in-  
11 land certificate and when they left Montreal and were  
12 going down to the coast that captain couldn't clear  
13 his ship for coastal and home trade waters; so he  
14 hired, or his Company did, a man with the qualifications,  
15 and I think he was called a sailing master, too.

16 I know Captain Slocombe cleared  
17 that with someone, but I realize this went on years  
18 ago, and that the sailing master in some respects  
19 didn't have total command of the ship; he was an ad-  
20 viser.

21 MR. JACQUES: One last word: The  
22 sailing masters ceased being allowed to ply their  
23 trade on the Great Lakes when Part VI (a) was pro-  
24 claimed, that is, on May 1st 1961. Until then it was  
25 not a pilotage district and the instructions applic-  
26 able to the use of licensed pilots did not apply.

27 THE CHAIRMAN: Are there any other  
28 questions of Captain Crawford?

29 MR. LALONDE: Do you know whether  
30





1 you served any ships which didn't belong to the Shipping  
2 Federation of Canada during that time?

3 THE WITNESS: I didn't know there  
4 was such a thing. I don't know. We served all the  
5 ships as long as they were deep sea ships.

6 MR. LALONDE: And all the money  
7 would come from the Shipping Federation eventually --  
8 the cheques would come back from the Shipping Federation?

9 THE WITNESS: In 1958?

10 MR. LALONDE: Yes.

11 THE WITNESS: Yes.

12 MR. LALONDE: You never got a cheque  
13 direct from agents or owners?

14 THE WITNESS: No.

15 THE CHAIRMAN: You said so long as  
16 they were deep sea ships; but if a lake ship would ask  
17 for a pilot what would you do?

18 THE WITNESS: We would give them a  
19 pilot. That has happened.

20 THE CHAIRMAN: As its turn came?

21 THE WITNESS: Yes, that is right.

22 MR. LALONDE: Then you would bill  
23 them directly?

24 THE WITNESS: The shipowner?

25 MR. LALONDE: The shipowner would  
26 pay you direct?

27 THE WITNESS: No, he never paid us  
28 direct. He paid the Shipping Federation -- I will  
29 have to confer with my partners. I am not quite sure.  
30





1 THE CHAIRMAN: You made no discri-  
2 mination between ocean-going ships and lakers. The  
3 first one there which asked for a pilot would get  
4 the first pilot available?

5 THE WITNESS: That is right.

6 THE CHAIRMAN: That was one of the  
7 questions, I think, about the Shipping Federation  
8 having organized the system and not being able to  
9 furnish a pilot all the time to its own members.

10 Thank you, Captain Crawford.

11 MR. LALONDE: May I have Mrs.  
12 Crawford back for one question to clarify an exhibit  
13 which has been tabled?

14 THE CHAIRMAN: Yes.

15 ---  
16

17  
18 BARBARA CRAWFORD, recalled  
19

20 THE CHAIRMAN: You are under the  
21 same oath.

22 THE WITNESS: I beg your pardon?

23 MR. LALONDE: You are under the  
24 same oath..

25 THE WITNESS: Yes.  
26  
27  
28  
29  
30





1 Q. Mrs. Crawford, you have tabled a  
2 document, Exhibit 1079, which is a list of sailing  
3 masters and members of the Great Lakes Pilotage  
4 Association of Canada. Would you tell the Commis-  
5 sion how you obtained this list or whether you made  
6 this yourself?

7 A. No, it came up from Kingston --  
8 not Kingston, from Montreal, I presume. The books  
9 were picked up at Kingston; the order book and tour  
10 de role book and the sailing masters. Q. Tour de role  
11 books were the tour de role books which had been  
12 used the year before or were they new ones.

13 A. They were ones used before, but  
14 no pages had been left in. Just blank pages. We  
15 were to carry on from there.

16 Q. Was there any letter with these  
17 documents?

18 A. No.

19 Q. Was there any indication where  
20 these documents came from?

21 A. No, I just presumed they came from  
22 Kingston. They could have come from Halifax. I  
23 really don't know.

24 Q. But were they mailed to you from  
25 the Shipping Federation in Montreal?

26 A. My husband went down there and met  
27 all the ones in the Shipping Federation and came back  
28 with this box.

29 Q. I see. Did your husband go down  
30 to Montreal after Captain Matheson had come up to





1 offer you to take over the administration?

2 A. Yes.

3 Q. I notice there is a handwritten  
4 paper, a short note on the first page, with a list of  
5 ten names. Do you know what that list refers to?

6 A. No, I don't. I never had some  
7 of the men on the list working that year.

8 Q. Some did work that year?

9 A. There is one man that never worked  
10 as a pilot.

11 Q. Yes. Are there some others that  
12 did work as a pilot in 1958?

13 A. In 1958 there were four of those  
14 that had worked.

15 Q. I notice there are some question  
16 marks next to some of the names on this list. Were  
17 these question marks made by yourself?

18 A. No.

19 Q. Did the document arrive with such  
20 notes from Montreal?

21 A. Yes. Other than two telephone  
22 numbers and the one address. I put those on.

23 Q. You mean other than the address  
24 and phone numbers all the rest was put on before?

25 A. Yes, anything that has been written  
26 on by hand, and typewriting was there.

27 Q. And the question marks next to some  
28 of the names?

29 A. I don't know what that is.

30 Q. The same thing for the X,s?





1 A. The X's, yes, I don't know.

2 THE CHAIRMAN: Are there any further  
3 questions of Mrs. Crawford? Thank you very much.

4 ---Witness retires.  
5

6  
7 RONALD SEAWRIGHT, sworn

8 THE SECRETARY: Your occupation?

9 THE WITNESS: I am engineer in charge  
10 of the Federal Public Works, Lakehead.  
11

12 DIRECT EXAMINATION BY MR. JACQUES:

13 Q. What district?

14 A. Fort William District.

15 Q. How long have you been District  
16 Engineer?

17 A. I have been at the Lakehead since  
18 November 1962; seventeen months.

19 Q. Are you a professional engineer by  
20 profession?

21 A. Yes, I am.

22 Q. Would you indicate on Exhibit 1016,  
23 which is the Great Lakes chart behind you, the limits  
24 of your district, please?

25 A. Well, the limits of my District,  
26 I start at the Manitoba border. To describe it in  
27 writing, it is the entire federal constituencies of  
28 Kenora, Rainy River, Fort William and Port Arthur, but  
29 it starts at the boundary line here.

30 Q. Would you indicate it in red, please,





1 A. Right through here.

2 Q. Well, let us say on Lake Superior  
3 how far does it extend? Does it stop at the inter-  
4 national border?

5 A. Yes, it stops at Pigeon River here.

6 Q. Which we will circle in red on  
7 Exhibit 1016. From Pigeon River to Otter Head;  
8 that would be the extent of Lake Superior waters in  
9 your District?

10 A. That is right, approximately.

11 Q. You were asked to prepare a state-  
12 ment of areas, extent, causes, recurrence of silting  
13 or sedimentation?

14 A. Yes. I have a plan here. This  
15 is the layout of Fort William.

16 MR. JACQUES: We will file this  
17 plan as Exhibit?

18 THE SECRETARY: 1081.

19 MR. JACQUES: Being a plan of the  
20 city of Fort William. Fort William harbour.

21 ---EXHIBIT NO. 1081: Plan of Fort William,  
22 Fort William Harbour.

23  
24 THE WITNESS: We maintain the  
25 main shipping channels in Fort William to 25 feet  
26 below International Great Lakes Datum, which is  
27 599.99 for Lake Superior.

28 MR. JACQUES:

29 Q. Is this main channel indicated in  
30 red on your plan?





1                   A.       This is the main channel through  
2 what they call Mission River, and the yellow colour  
3 is the Kaministikwia.   When you consider the Kam  
4 River, itself, we have six miles of main channel  
5 stretching from the entrance up to Westford turning  
6 basin.

7                   Q.       Yes?

8                   A.       The Mission River is approximately  
9 three miles in length, and it is a tributary of the  
10 Kam.   It is also maintained, of course, to 25, and  
11 the McKellar, due to inactivity over recent years,  
12 is no longer maintained.   There is no traffic  
13 whatsoever -- it has had very limited traffic, and  
14 we have had no complaints, so our efforts are con-  
15 centrated on the Kam and Mission.

16                  Q.       When you talk about maintaining  
17 to 25 feet, you always refer, of course, to Great  
18 Lakes International datum?

19                  A.       Yes, it is ground depth of 25  
20 below datum.

21                  As far as the rate of siltation is con-  
22 cerned, our biggest problem you might say is at the  
23 top of the Kam; Westford training basin which silts  
24 in at the rate of 1.5 feet per year.

25                  Q.       I see.

26                  A.       You can say the main portions of  
27 the Kam vary from siltation of one foot per year ---

28                  Q.       Shown in green?

29                  A.       Shown in green, and there is an  
30 area here which for the most part has a siltation rate





1 of one foot in ten years.

2 Q. Extending from the CNR swing  
3 bridge to the mouth of the river?

4 A. It has a rate of about one in ten.  
5 Causes, factors leading to siltation are of course  
6 spring freshets in the upper reaches of the Kam  
7 coming down, high bank erosion on the Kam, and  
8 certain amounts of waste from the Great Lakes.

9 COMMISSIONER SMITH: I would like  
10 to ask the witness a question about that turning  
11 basin. Is that turning basin for general purposes  
12 or is it for the purpose of one or two or three  
13 elevators, to accommodate ships going to elevators?  
14 The basis of information I want is this: has it  
15 completely public overall purposes or is it for the  
16 purpose of a few ships that are going to particular  
17 elevators?

18 THE WITNESS: Well, for the most  
19 part it is to facilitate ships going to the Great  
20 Lakes. There is the Lakehead elevator, Northwestern,  
21 there is Great Lakes Paper; I think it is Canada  
22 Iron and Foundry. It facilitates their require-  
23 ments, but also I believe there are other elevators  
24 in the immediate vicinity of the turning basin that  
25 have their ships go up and turn around and go back  
26 down.

27 COMMISSIONER SMITH: One other  
28 question: is there any contribution made by the  
29 private companies towards the dredging of this turning  
30 basin?





1 THE WITNESS: No.

2 COMMISSIONER SMITH: It is all paid  
3 for ---

4 THE WITNESS: One hundred per  
5 cent federal.

6 COMMISSIONER SMITH: By the  
7 Public Works Department?

8 THE WITNESS: That is right.

9 BY MR. JACQUES:

10 Q. Right down the river?

11 A. Right down the river, main channels  
12 only.

13 Q. The rate of siltation for the  
14 Mission River is?

15 A. One foot for five years. That is  
16 approximate.

17 Q. Now, who tells you when to dredge  
18 or not? Do you do that on your own? Do you have  
19 your own survey soundings, or do you wait until  
20 somebody notifies you?

21 A. No, we carry on you can say a  
22 continuous programme of surveys both in the winter  
23 and in the summer. In the summer we have a sweeping  
24 survey, and where we don't sweep we have an echo  
25 sounder, and we try to cover the course as well as  
26 we can on the rivers in conjunction with our layouts  
27 for our dredging projects. We do these surveys  
28 in between laying out contract works, etc. We  
29 initiate our own maintenance programme.

30 Q. Now, do you consult with the Harbour





1 Commission with respect to the dredging whether  
2 maintenance or capital?

3 A. I don't think there has been --  
4 I say it is limited consultation. In effect first  
5 they must put their presentation through the Depart-  
6 ment of Transport for their requirements. As you  
7 know, I have only been there -- it is only my second  
8 year, and the Harbour Commissioners are relatively  
9 new, and we are just you might say getting organized  
10 into sort of working together, so to speak.

11 Q. Is there anything else you would  
12 like to add concerning Fort William before we pass  
13 on to Port Arthur?

14 A. Well, you asked about quantities.  
15 I don't know whether you still want it.

16 Q. We have them in feet and inches  
17 over the bottom?

18 A. Yes. That is what you want. All  
19 right. No, there is no other.

20 COMMISSIONER RENWICK: In  
21 the process of sweeping, what is the nature of the  
22 debris?

23 THE WITNESS: Well, there seems  
24 to be an occasional small boulder dislocated in the  
25 Kam. Sometimes you even hit parts of scows, or  
26 they may have been there fifty, sixty or seventy years.  
27 They might come up from the harbour bottom itself.

28 Soil conditions at the Lakehead,  
29 particularly in Fort William is very soft, and there  
30 might be hydrostatic pressures or underwater pressure





1 that cause these objects to come up to the surface.  
2 I don't know. I am still trying to get familiar  
3 with the conditions myself.

4 We have certain areas that are, of  
5 course, shoaling in at the mouth of the Kam or at the  
6 Mission which is very shallow up in this region to  
7 the north of the entrance, and we of course have to  
8 keep our eye on these locations to see how fast they  
9 are silting in, and by sweeping and by echo sounding  
10 we can pick this information up quite rapidly so  
11 you can plan for your next year's work programme,  
12 or if it is an emergency then you have to try to  
13 get funds under the present year's programme.

14 COMMISSIONER RENWICK: Thank you.

15 BY MR. JACQUES:

16 Q. Now I wish to refer to a plan of  
17 Port Arthur, which will be Exhibit 1082. This plan  
18 shows the siltation rate and the various dates of  
19 soundings in different areas?

20 EXHIBIT 1082: Plan of Port Arthur.

21 A. Yes. We are not confronted with  
22 a Siltation problem in Port Arthur to the same extent  
23 as Fort William. You can say there are places where  
24 there is a scouring action taking place.

25 Q. Would you explain what you mean?

26 A. In Area A shown here there has  
27 actually been a slight scouring. It could be currents  
28 are picking the material up here and depositing it  
29 elsewhere. But as you can see where the overall --  
30 say for the Thunder Bay harbour, that is Port Arthur  
harbour, this siltation rate in Area B, this main





1 harbour centre was .7 feet in six years. Area C  
2 which is the main entrance, siltation is .4 feet  
3 in six years. Area D which is opposite Keefer  
4 Lakehead Terminal, we have a siltation rate of  
5 .3 feet, say, in three and a half years, and the  
6 remainder of Port Arthur there is no siltation.  
7 There is no real problem in Port Arthur as far as  
8 siltation.

9 Q. This is done at the sole expense  
10 of the Public Works?

11 A. Main channels. We keep the main  
12 channels. The approach channels, for instance, last  
13 year we entered an arrangement with the Manitoba  
14 Pool No. 1, I believe, whereby the federal government  
15 pay 50 per cent of the cost of the approach channel  
16 and the Manitoba Pool paid one hundred per cent of  
17 the cost of docking area, which has ninety foot width  
18 in front of the wharf itself.

19 Q. Is that work done under your  
20 supervision?

21 A. In this case here we were involved  
22 in the approach channel soundings, but the remaining  
23 portion was entirely by private means. They  
24 arranged it, and they paid. It had nothing to do  
25 with going into private slips.

26 Q. In respect to soundings of  
27 private slips ---

28 A. We don't. Department policy is  
29 that we do not go in there.





1 was done by calling public tenders and awarding  
2 contracts, was it?

3 THE WITNESS: In this case I  
4 believe it was done under negotiation with J. P.  
5 Porter who happened to be the only dredging firm in  
6 the Lakehead, or at least they have the type of  
7 dredge that would do the work. An arrangement to  
8 release it from our contract -- it only took a week  
9 of dredging -- and negotiations took place and the  
10 government were involved in the approach channel cost,  
11 and they considered the price fair and reasonable.

12 MR. JACQUES: I should like to add  
13 to Exhibit 1081 a second plan of Fort William showing  
14 quantities dredged in 1962-63, and 1963-64. To  
15 Exhibit 1082, another plan of Port Arthur, showing  
16 the dredging done in 1961-62 and 1962-63.

17 Q. Has your office carried out or  
18 made any survey on currents in your district?

19 A. Not that I am aware of, no. They  
20 haven't made any studies.

21 Q. Now, you were also asked to pre-  
22 pare a report on the nature, extent, method and  
23 frequency of notices issued by your office to shipping  
24 interests, including pilots and pilots' organizations.





1                   A           We do not issue any notices to  
2 shipping interests, nor to pilots. You might say the  
3 only notices are that we contact the Lakehead Harbour  
4 Commissioners plus the Department of Transport regard-  
5 ing the locations of our own crews at all times, our  
6 sounding survey crews. They in turn issue notices.

7                               If there is any, for instance if  
8 there is going to be planned dredging in certain areas  
9 in the Kam and Mission Rivers, we keep the Department  
10 of Transport notified at all times, so they in turn  
11 can issue notices to mariners regarding the locations  
12 of the dredging or of any contract work taking place.

13                           In regards to the south entrance  
14 channel south of Port Arthur we had some reparation  
15 work there last year and we had to close off the en-  
16 trance for a while. These arrangements were made  
17 through the Department of Transport.

18                               They make the notice to mariners;  
19 we do not make the notice to mariners ourselves.

20                   Q           Have you had any requests from  
21 pilots' organizations or shipowners for information  
22 on soundings?

23                   A           We have had. Mainly they are by  
24 telephone and of course our instructions are that  
25 these soundings themselves are only good on the day  
26 they are taken and the dredging of any certain area is  
27 only, you might say, valid until the contract is  
28 complete. It depends on the conditions of the siltation  
29 level today.  
30





1 At times in the Kam and Mission  
2 Rivers we have had to make that statement.

3 Q You say soundings are valid only on  
4 the day they were taken?

5 A That is right.

6 Q Do you not give a guarantee that if  
7 you dredge to 25 feet, based on previous experience  
8 there should be 25 feet in the river for a certain  
9 period of time gradually decreasing?

10 A There should be, but we cannot.  
11 They are only valid on the day they are actually taken.

12 Q Would siltation or sedimentation  
13 be that rapid that the following day there would be a  
14 major change?

15 A No, there would not be any  
16 necessarily. They might be good for, say, six months;  
17 but that is our policy.

18 Q I see. It does not imply that  
19 sedimentation or silting would be excessive within  
20 a very short period of time?

21 A That is right.

22 Q Does your policy imply that?

23 A Well, as I say, our policy implies  
24 that the soundings are filed the day they are taken.  
25 Indications are that the area will be undoubtedly so  
26 that the grade depth is 25 feet. There will not be  
27 that rapid siltation, as by the soundings shown the  
28 worst siltation rate is in the turning basin, which is  
29 1 1/2 feet per year.  
30





1 That means that if we dredge the  
2 turning basin it will probably be good for the balance  
3 of the year, but after that --

4 Q It might be less than 25?

5 A Yes, it might be less than 25. But  
6 we cannot tell, because there are certain places in  
7 the Kam due to the high banks that erode and it can  
8 cause a falling into the river, which could in turn  
9 cause the depth to be less than 25 feet.

10 That could take place tomorrow.  
11 You might sound today and this bank might fall in, say,  
12 tomorrow; something might happen. By that we cannot  
13 guarantee our soundings after the day they are taken.

14 q Is there a problem of bank erosion  
15 caused by ships' wash?

16 A There could be. I would say that  
17 has a certain influence on causing these banks to erode.  
18 They say particularly last year they had the worst  
19 flooding on the Kam I guess in 30 years, which caused  
20 a lot of debris and washing out of banks.

21 We had quite an increase in our  
22 dredging programme last year.

23 THE CHAIRMAN: Could we adjourn  
24 at this point?

25 MR. JACQUES: Yes; I am through,  
26 My Lord.

27 THE CHAIRMAN: We will adjourn  
28 until 2:30 this afternoon.

29 ---LUNCHEON ADJOURNMENT  
30





1  
2 ---UPON RESUMING AT 2:30 P.M.:

3  
4 MR. JACQUES: Are there no questions  
5 of Mr. Seawright?

6 MR. LALONDE: I have no questions,  
7 My Lord, myself.

8 MR. BRISSET: No questions.

9  
10 ---

11  
12 DONALD W. MC KAY, sworn

13  
14 DIRECT EXAMINATION BY MR. JACQUES:

15  
16 Q Would you state your full name,  
17 please?

18 A Donald W. McKay.

19 Q And your profession, sir?

20 A Engineer.

21 Q You may be seated if you wish.

22 You are in the employ of the Department of Public  
23 Works, are you not?

24 A Yes, sir.

25 Q In London, Ontario?

26 A Yes.

27 Q How long have you been an engineer?

28 A Since 1938.

29 Q How long have you been in the  
30 employ of the Department of Public Works?





1                   A           Since 1938 with the exception of  
2 four years nine months in the Army.

3                   Q           During the course of those years  
4 was your occupation always in relation to Harbours  
5 and Rivers?

6                   A           Yes, sir.

7                   Q           It was?

8                   A           Pardon me, a slight correction ;  
9 it has been in the Harbours and Rivers Branch.

10                  Q           Branch?

11                  A           Yes.

12                  Q           Before I ask you to answer the  
13 various questions which were asked in the letter  
14 dated February 7th addressed to Mr. Scroggie, I wish  
15 to read an extract from the Order-in-Council creat-  
16 ing the Commission.

17                               "The Commission is to inquire  
18 into Pilotage and to recommend changes,  
19 if any, that should be made in the  
20 pilotage system now prevailing having  
21 regard to safety of navigation, the  
22 development of shipping and commerce,  
23 the interests of pilots, shipowners  
24 masters and public generally, and  
25 particularly the Commission is to  
26 inquire into the extent and nature of  
27 marine pilotage requirements."

28                               The Commission has heard evidence  
29 in other districts to the effect that local knowledge  
30





1 was essential because of heavy and sometimes sudden  
2 siltation in some parts of the harbour.

3 Bearing that in mind would you first  
4 tell us the extent of your district?

5 A Yes, sir.

6 Q It could be shown on Exhibit 1016.

7 A The London district extends along  
8 the coastline from Wiarton around the tip of the Bruce  
9 Peninsula --

10 Q Speak a little louder.

11 A The London District insofar as  
12 Harbours and Rivers Branch is concerned extends from  
13 Wiarton and Kolpoys Bay, includes the Bruce Peninsula,  
14 extends down through Lake Huron, the St. Clair River,  
15 Lake St. Clair and Lake Erie and along Lake Erie at  
16 this instance to the extreme tip.

17 Subsequent to April 1st Welland  
18 County will cease to be in the London District and  
19 will go to the Toronto District.

20 Q I see; so the limits of your District  
21 would be as shown by a red line on Exhibit 1016, the  
22 line which I have just drawn?

23 A Yes.

24 Q Roughly speaking, and it would ex-  
25 tend only to Canadian waters and Canadian territory?

26 A Yes. It actually includes the ter-  
27 ritory roughly adjoining those two points. As far as  
28 we are concerned this mainly means the Thames River  
29 and the Sydenham and the Chenal Escarte. The other  
30





1 branches are concerned with things on land like post  
2 offices and so forth.

3 Q You were asked to prepare evidence  
4 on the area's extent, causes and recurrence of silting  
5 or sedimentation. The purpose of this question is to  
6 answer part of the question asked in the Order-in-  
7 Council which we have just read.

8 The water available to shipping is  
9 of the utmost importance and if an area or any given  
10 area is given to sudden and heavy siltation or changes  
11 in depth, it is important for the Commission to know  
12 if this happens regularly, if this happens suddenly.

13 It is also important to know if  
14 any area in any harbour has shown over the past few  
15 years that sedimentation or siltation was gradual  
16 and slight.

17 A Yes.

18 Q You understand the purpose of the  
19 question?

20 A Yes.

21 Q Would you let us have what you have  
22 prepared on the first question, please?

23 A Yes. I would like to preface what  
24 I am going to say by saying that I have not prepared  
25 plans or much of an individual write-up on specific  
26 harbours.

27 I regret I did not fully comprehend  
28 the detailed information that seems to be what is  
29 required.  
30





1 May I in passing ask -- I do not  
2 know whether this is a foolish question or not -- is  
3 the Commission aware of this publication The Great  
4 Lakes Pilot -- the U.S. Great Lakes Pilot?

5 Q Yes; it has been filed as an exhibit  
6 in St. Catharines, Ontario.

7 A I would merely say that each harbour  
8 in the London district, in fact in all important  
9 harbours, is described in fair detail covering the  
10 points you have mentioned rather better than I could  
11 do it what you might say ad lib.

12 As a matter of fact we contribute  
13 to that information. In other words this is sent to  
14 us for revision each year. I merely say that the in-  
15 formation which I could give is fairly well available  
16 in this publication.

17 Q And you say that this is sent to you  
18 every year so that you can check the information  
19 given in that publication?

20 A It is the information with which we  
21 are concerned.

22 Q Oh, yes, of course.

23 A Yes.

24 Q Are you satisfied with the accuracy  
25 of the details contained in that publication?

26 A I would say the publication is as  
27 good as it can be made without some rather extensive  
28 revision in quite a few things. Basically harbour  
29 information is difficult to pinpoint and portray  
30





1 accurately and in such a way that it remains valid  
2 for any great length of time.

3 In other words this is useful in-  
4 formation -- represents the best information probably  
5 which can be assembled in a book form, but is not by  
6 itself sufficient to enable a person to sail. In  
7 other words it must be ideally supplemented by more  
8 recent current information.

9 I hope that is clear now.

10 Q Yes.

11 A Specifically the subject matter  
12 could be probably improved if we made more of a  
13 career of it, so to speak.

14 In other words it comes to us and,  
15 well, that is just one more job we do. We consider  
16 our main work is not research or not -- this is  
17 rather a dangerous subject. We are specifically set  
18 up, I believe, to do dredging to the limits of the  
19 funds provided us, exercising and seeing that we get  
20 the most, the best value for the money, and to maintain  
21 the harbour structures on a similar basis.

22 But the over-all policy of what  
23 should be done to safeguard navigation is rather above  
24 the level of the district office, I would say, al-  
25 though not everybody would agree with me.

26 Q I see. One more question before  
27 you go on with your report. The information additional  
28 to that contained in the Great Lakes Pilot, where  
29 could one get it?  
30





1                   A           It is not readily available any-  
2 where. There are a number of ways it can be obtained.  
3 Specifically the worst port in our area is Port  
4 Burwell and I would say each year any ship master  
5 wishing to come into Port Burwell would like to know  
6 what water is in there.

7                               We take soundings --

8                   Q           Where is Port Burwell?

9  
10 ---The witness indicated.

11  
12 ---Mr. Jacques indicated the position to the Commission.

13  
14                   Q           Yes, go ahead.

15                   A           I would say any ship master wishing  
16 to go into Port Burwell in the Spring would like to  
17 know what is the maximum depth he should load his  
18 vessel to. Generally speaking my opinion is that the  
19 usual state is he could legally load up deeper than  
20 the existing water.

21                               In other words he wants to know  
22 what the actual water depth is so he can come as  
23 close to that water depth, load up to as close as  
24 whatever he thinks he can get in when he is, figur-  
25 atively speaking, scraping the bottom coming in, and  
26 he will try to come as close to scraping the bottom  
27 as he can without actually getting stuck.

28                               So he would like to know the exact  
29 water level in the harbour in the Spring.  
30





1 The soundings taken the previous  
2 year will give him an indication. It will also give  
3 the engineer an indication, but it will not give him  
4 a very positive indication, although through long  
5 study of the same port an engineer with that port or  
6 a shipmaster familiar with that port from the previous  
7 year's soundings will, of course, be more likely to  
8 estimate accurately the existing depth.

9 However, he would like to know.

10 Well, he usually phones up. Well,  
11 no, it is more often the coal company who wants him  
12 to come in with the load of coal and the coal company  
13 will phone the district office and say: "Are you  
14 going to get the soundings?"

15 We usually reply that the soundings  
16 are scheduled for such-and-such a date. Sometimes  
17 this satisfies them.

18 Sometimes if the plea is very urgent  
19 we send a fathometer boat down -- we have one -- which  
20 merely runs out over the range, the line at which the  
21 boat would normally come in and records what the  
22 depth is. This is not as accurate as hand sounding  
23 but will give an indication, a fairly good indication  
24 of what the depth is.

25 The fishing boats are also equipped  
26 with fathometers and occasionally a coal company, I  
27 believe, will get a fishing boat to do the same thing  
28 for him.

29 The point I would make is it is not  
30





1 clearly established whether we are obliged to do this  
2 or are doing it as a courtesy. I guess that is about  
3 all.

4 Q In your district, bearing in mind  
5 the long experience that you have had in that district,  
6 would you indicate to us the ports or channels which  
7 are given to heavy siltation or sedimentation?

8 A Yes, sir.

9 Q Where changes would occur rapidly  
10 or where changes would be of importance?

11 A Yes. The siltation is worst in  
12 Lake Erie. It is very bad in Lake Erie. Lake Erie  
13 is soft and it has soft cliffs and a very heavy  
14 littoral lift.

15 Q In which direction?

16 A From west to east.

17 Q From west to east?

18 A Generally, yes.

19 Q Indicated by an arrow in red on  
20 the chart of Lake Erie -- yes?

21 A Yes, sir. Lake Erie is the only  
22 lake in which dredging, I would say, is a severe  
23 problem. Lake Huron dredging is done but to nowhere  
24 near the same degree.





1 In Lake Erie, Port Burwell is the worst  
2 of all the ports. Port Stanley and Rondeau or  
3 Eireau and Kingsville are all about the same.

4 COMMISSIONER SMITH: Just how  
5 important is Port Burwell in the nature of the com-  
6 modities in and out?

7 THE WITNESS: I believe there was  
8 a meeting -- well, basically it is a coal port. Port  
9 Burwell and Port Stanley and Eireau are all coal  
10 ports; so is Kingsville. In fact, all the important  
11 ports of Lake Erie, with the exception of maybe Port  
12 Colborne, in which we have rather split jurisdiction,  
13 and we don't do any dredging in Port Colborne -- but  
14 the other ports are all coal ports.

15 There is some study going on as to  
16 the overall feasibility of trying to ship all the  
17 coal through a fewer number of ports.

18 COMMISSIONER SMITH: Is this coal  
19 movement a one-way or two-way movement in and out?

20 THE WITNESS: It is always in.

21 COMMISSIONER SMITH: And never out?

22 THE WITNESS: This is a little out  
23 of my field -- I am not too familiar with it -- but I  
24 would say it is all in. In other words, Canada imports  
25 its coal in. There is outgoing shipping but the ports  
26 as I have described them are coal ports, whose prime  
27 function is the importing of coal. This is how I  
28 would describe that.

29 COMMISSIONER SMITH: What else  
30 moves in this harbour, in and out?





1 THE WITNESS: At Port Burwell, I  
2 don't know that there is anything moves out. At  
3 Port Stanley there are elevators for soya beans  
4 moving out.

5 COMMISSIONER SMITH: What would be  
6 the reason for so much dredging needed to be done  
7 there? Perhaps there isn't too much dredging needed.  
8 I understood you to say that this is where it silted  
9 up very quickly.

10 THE WITNESS: Yes.

11 COMMISSIONER SMITH: And that a  
12 lot of dredging had to be done there.

13 THE WITNESS: I did. But I  
14 don't understand the question.

15 COMMISSIONER SMITH: Well, what I  
16 am trying to get at is this: If there is only one  
17 commodity moving in there -- and there are certainly  
18 a lot of other ports on the lake -- I want to know  
19 what the justification would be for going to any great  
20 expense to deepen the harbour for the one-way movement  
21 of a commodity.

22 THE WITNESS: This is an economic  
23 question and, as I have said, it is out of my field.  
24 My personal opinion is that it is a very reasonable  
25 question to ask. It is generally conceded that the  
26 cost of dredging is not economically justified . . .

27 COMMISSIONER SMITH: I won't  
28 pursue it any further. It just struck me that it  
29 isn't a particularly important harbour, in my mind  
30 -- I don't know about other people -- and I wondered





1 why they would need to spend much money in dredging  
2 and deepening the place there for shipping for a one-  
3 way movement.

4 THE WITNESS: Well, as I have said,  
5 the subject is under study.

6 MR. JACQUES:

7 Q. What about Port Colborne?

8 A. Well, in Port Colborne, as I said,  
9 we have a split jurisdiction there. The only thing  
10 our Department looks after is the breakwaters. The  
11 rest of it is considered to be under the former --  
12 at present it is under the Seaway Authority, but we  
13 didn't have anything to do with the harbour; it was  
14 just the breakwaters which we maintained.

15 I believe there is relatively  
16 little dredging. The littoral drift is sufficient  
17 here.

18 Q. And when you say "here", you mean  
19 off Port Stanley?

20 A. Off Port Stanley; and at Port  
21 Burwell it is clear right there . . .

22 Q. Off Port Burwell?

23 A. Yes. This is one figure I happen  
24 to have brought with me -- in my head, that is.  
25 The littoral drift at Port Burwell is estimated by  
26 this engineer I have mentioned as being 300,000  
27 cubic yards more or less a year.

28 Q. Three hundred thousand cubic yards  
29 per year?

30 A. Yes.





1 Q. To the layman, or to me, I must  
2 admit that it doesn't mean anything unless you speak  
3 in terms of feet of mud.

4 A. The average total amount of  
5 dredging that the London District does per year is  
6 something like 350,000.

7 COMMISSIONER SMITH: Excuse me.  
8 This might give some idea. How much does it cost  
9 to remove the silt from Burwell Harbour per cubic  
10 yard?

11 THE WITNESS: Prices vary anywhere  
12 between 80 cents to \$1.10.

13 COMMISSIONER SMITH: And there have  
14 been 300,000 yards taken out of there in a year?

15 THE WITNESS: No, I didn't say  
16 300,000 yards had been taken out per year. I said  
17 that the littoral drift passes Port Burwell at  
18 300,000 cubic yards. The actual amount is much  
19 less and is correlated with the grades to which we  
20 dredge, which vary.

21 COMMISSIONER SMITH: I am sorry;  
22 I misunderstood.

23 MR. JACQUES:

24 Q. Do you maintain 25 feet of water  
25 at Port Burwell?

26 A. No, we don't. We don't maintain  
27 -- in the sense in which I think you are using the  
28 term -- any guaranteed grade.

29 We dredge it to 20 feet at present.  
30 In the past we have dredged as high as 24 and 25 feet.





1 But as you have seen in the sand when you try to  
2 scratch a hole in it, it will run in as fast as you  
3 try to paw it out. If you try to dredge deeply  
4 it seems to run in faster, and there is an optimum  
5 grade at which you can get the best water for the  
6 least amount of money. This isn't a precise thing,  
7 but generally speaking if we dredge to deeper grades  
8 our dredging costs would soar.

9 Of course, where you get much below the  
10 20 feet we dredge to 20 feet in an endeavour to  
11 provide an actual grade in the spring around 18 feet,  
12 which means that boats coming in must draw con-  
13 siderably less than 18 feet.

14 Q. Do you do dredging there every  
15 year?

16 A. Yes, every year.

17 Q. And in terms of feet over the  
18 bottom how much do you get out every year to attain  
19 the 20-foot level of grade?

20 A. Well, on the basis of what I said,  
21 approximately two feet.

22 Q. Two feet?

23 A. But it varies. You see, it will  
24 be deeper some places and shallower at others. There  
25 is a shoal always forms around the tip of anything  
26 that sticks out and the cut will be 30. In other  
27 words, to dredge through sand bars, I can't tell you  
28 what the maximum depth of the sand bar would be.  
29 It varies from here to here (indicating).

30 If you wish, I have a publication





1 hee -- at least, it is a report -- which was written  
2 specifically on Port Burwell which I would be happy  
3 to leave with you. This is the one port in which  
4 we have done much which you would call scientific  
5 investigation.

6 Q. I would appreciate that. Have  
7 you brought it with you?

8 A. I have got a copy of my own sub-  
9 mission and a copy of this report which you can have.  
10 This has got quite a bit of information on other  
11 ports, too. It is a splendid effort, actually. I  
12 say that. It is not mine. It is one of our staff  
13 who is exceptionally keenly interested in dredging.

14 MR. JACQUES: I should like to  
15 file this report, my lord, as Exhibit 1083.

16  
17 ---EXHIBIT NO. 1083: Report on Lake Erie littoral  
18 drift by B. O. Kolberg,  
dated June 24, 1963.

19 MR. JACQUES:

20 Q. On the whole would it be fair to  
21 say that Port Burwell is a port where the master, or  
22 whoever takes the ship in, must have accurate infor-  
23 mation and the latest information to enter safely?

24 A. Yes.

25 Q. Now, what about the sketch of the  
26 district from Point Pelee to Sarnia? Have you any  
27 maintenance dredging in that area?

28 A. Well, the dredging of the main  
29 channel is done by the United States Corps of  
30 Engineers. We dredge only the small boat harbours





1 there -- a number of them are . . .

2 Q. I refer to Exhibit 987, which is  
3 the chart of the Detroit River, and Exhibit 989.  
4 These two charts show the channel followed by lake  
5 and deep sea traffic. Is the channel shown on  
6 this chart maintained solely by the Americans?

7 A. This chart, solely by the Ameri-  
8 cans . . .

9 Q. This chart, No. 987 -- that is our  
10 exhibit number?

11 A. Yes.

12 Q. Now, the next one is Exhibit 989.  
13 This is the chart of the St. Clair River. Do you  
14 do any dredging along the main channel of the St.  
15 Clair River?

16 A. Generally, no. Up until a few  
17 years ago the main channel went along here (indica-  
18 ting).

19 Q. You are indicating the curve  
20 following the St. Clair Flats Canal?

21 A. That was the main channel and was  
22 maintained by the United States Corps of Engineers.  
23 This new channel . . .

24 Q. Called the South East Bend Cut-off  
25 Channel . . .

26 A. . . . was initially dredged by  
27 the United States Corps of Engineers and is presently  
28 maintained by our Department. But the maintenance  
29 to date has consisted only of soundings and it has  
30 not been found necessary to dredge it.





1 Q. And how long ago was it dredged?

2 A. Approximately two years ago.

3 Q. Are there any other areas on this  
4 chart, Exhibit 989?

5 A. We used to dredge the entrance  
6 here (indicating).

7 Q. To Chanel Ecarte.

8 A. Yes; and from time to time we do  
9 easing, which is dredging of the shoals on the bends;  
10 but we haven't done that for quite a few years.

11 Q. But there is no important traffic  
12 up and down the river? It must be pleasure craft.

13 A. No. It is a remarkably deep  
14 river. It will carry ships drawing around 80 feet.  
15 You can get up as far as Wallaceburg; so it is not  
16 inconsiderable. But this is by and large a self-  
17 cleaning channel. It is very swift and deep.

18 Q. And these references are all to  
19 Chanel Ecarte?

20 A. There are no other ports. We have  
21 a wharf here, but we have never done any dredging.

22 Q. This is at Port Lambton?

23 A. Yes; there is a small wharf there.  
24 But generally speaking the only dredging done by  
25 our Department on this chart is -- sooner or later  
26 we will be doing dredging here (indicating).

27 Q. And you mean by that South East  
28 Bend Cut-off channel?

29 A. Only; so far as the main channel  
30 is concerned and so forth the requirements are for





1 minor dredging along the Chane1 Ecarte.

2           There is a movement to have some dredging  
3 done here -- there are representations being made  
4 to have some dredging done here (indicating), but  
5 this is small -- Mitchell's Bay. It doesn't quite  
6 show on here. It is over here (indicating) some  
7 place. Mitchell's Bay is in Lake St. Clair. I  
8 can show you where Mitchell's Bay is. It is right  
9 in there (indicating).

10           Q.       You are indicating it on Exhibit  
11 1016?

12           A.       I don't think this would be of  
13 interest to the Commission because it is small boat  
14 traffic entirely -- pleasure traffic; fishermen,  
15 and so forth -- sport fishing.

16           Q.       At the entrance to Georgian Bay  
17 do you do any maintenance dredging, or is the water  
18 sufficient -- the depth -- to allow traffic to go  
19 through without any maintenance?

20           A.       To the best of my knowledge we  
21 have done very little dredging at the tip here  
22 (indicating).

23           Q.       And when you say "the tip" you  
24 mean . . . ?

25           A.       At Tobermory. It is around here  
26 some place. Tobermory is right at the tip of the  
27 Bruce Peninsula. I have never personally been there.  
28 There is Tobermory right there (indicating).

29           Q.       I see; circled in red on Exhibit  
30 990 -- this is Tobermory.





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1 I see that you have prepared a written  
2 report, have you not?

3 A. Yes.

4 Q. We might, perhaps, just file this  
5 as an exhibit, if your lordship wishes, instead of  
6 reading it into the record.

7  
8 ---EXHIBIT NO. 1084: Report prepared for the  
9 Royal Commission on  
Pilotage by Mr. McKay.

10 MR. JACQUES:

11 Q. Now, is there anything else you  
12 wish to add on the questions which we have put to  
13 you?

14 A. No, sir.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30





1 THE SECRETARY: Could you give me the  
2 date of your report to the Commission?

3 THE WITNESS: Well, there is no date  
4 on it. It is dated today, I would say.

5 THE SECRETARY: Would you put the date  
6 on it today? It is signed?

7 THE WITNESS: No, it is not signed.

8 THE SECRETARY: Would you sign it?

9 THE WITNESS: It was mainly for my own  
10 use.

11  
12 CROSS-EXAMINATION BY MR. BRISSET:

13 Q. Mr. McKay, you said to get to  
14 Port Burwell you would have to have recent informa-  
15 tion on the depth of the water in view of the changes  
16 that took place. If I were a master of a ship  
17 going into Burwell, where would I get this informa-  
18 tion? Would it be by calling your office?

19 A. I think I already stated the  
20 information -- there is no place that the information  
21 is readily available.

22 Q. Could I get it ---

23 A. I would be the best place to try.

24 Q. Could I get it from the receivers  
25 of my cargo, the firm that imports the coal?

26 A. If they could get it from us or  
27 could obtain it by some other means such as a fishing  
28 boat, or even take a few soundings themselves. They  
29 know where it is going to be shallow, and it is a  
30 case of finding out how shallow.





1 Q. In other words, you would expect  
2 the receiver who expects a shipment on the ship coming  
3 in to Burwell will advise the ship as to depth of  
4 water available?

5 A. I believe that to be the practice.  
6 If he can obtain the information, of course.

7  
8 CROSS-EXAMINATION BY MR. MASON:

9 Q. There was some evidence given  
10 yesterday as to a number of vessels going aground on  
11 the shoal below Purdy's fish dock last season?

12 A. Yes, sir.

13 Q. I wonder if you can provide the  
14 Commission with any information as to the removal,  
15 the possibilities of the removal of this shoal in  
16 the near future?

17 A. This happens to be something I  
18 can provide you information with. It is mentioned  
19 in that report, actually. This shoal is caused by  
20 the current -- the current is very swift at the  
21 bridge. It is a constricted channel. It carries  
22 materials from the south Lake Huron down through  
23 that swift portion at the bridge, and then the minute  
24 it starts to lose velocity, it pulls around and  
25 an eddy forms and deposits on this shoal of which  
26 you speak.

27 In previous years commercial dredging  
28 has been done, and they have removed an incredible  
29 amount of material. Saleable sand. To my  
30 knowledge the Department has never itself, as an





1 aid to navigation, done any dredging to remove this  
2 shoal you are referring to. It has been kept under  
3 control by the commercial dredging people up until,  
4 oh, I guess five years ago, when for some reason or  
5 other which I don't know, commercial dredging ceased.

6 Well, now, since that time the various  
7 shipping associations -- Dominion Marine Association  
8 is one -- have made representations to have that  
9 shoal removed. Initially we understood it inter-  
10 fered primarily with ships approaching the CSL dock  
11 or wharf at just below the bridge on the right-hand  
12 side.

13 MR. LALONDE: Would you mind, Mr.  
14 McKay, looking at Exhibit 989, the insert on the  
15 left-hand side?

16 THE WITNESS: There is the CSL  
17 wharf.

18 MR. LALONDE: Indicated in dark  
19 on the chart?

20 THE WITNESS: And this is the  
21 alleged shoal. Now, it is obvious ---

22 MR. LALONDE: Excuse me. Would  
23 you give a description of where it is on the chart  
24 or make a circle around it on Exhibit 989 in red  
25 pencil?

26 MR. BRISSET: What port?

27 MR. LALONDE: Port of Sarnia.

28 THE WITNESS: It is there.

29 MR. LALONDE: Would you also  
30 circle the CSL dock?





1 THE WITNESS: It seems to be  
2 obvious that the width of the shipping channel here  
3 is at least equal to the width of the channel at the  
4 bridge. Now, for a while we contended that the re-  
5 moval of the shoal was mainly for the benefit of  
6 specific ships approaching the CSL dock. At any  
7 rate, the Dominion Marine Association, and I believe  
8 other Associations, continued their representations.

9 They now claim that it is a hindrance  
10 to all vessels proceeding up the lakes. The claim  
11 is, I believe, that the current drifts them to star-  
12 board and they do not have -- they are bucking the  
13 current, and they don't have sufficient steerageway  
14 to keep off the shoal. This may or may not be true.  
15 This is for a mariner to say.

16 At any rate, the United States Corps  
17 of Engineers is at present doing a model study for  
18 us down in Vicksburg, Missouri, in the experimental  
19 station there, with the idea of possibly finding a  
20 way of putting a groin out into the river which will  
21 permit recurrence of this shoal.

22 In other words, if we dredge the shoal  
23 out we fear it will reform almost at once, and con-  
24 tinual dredging of it will be a needless expense  
25 if it could be possible to change the eddy so that  
26 it carries the deposit further downstream or more  
27 dissipated and not dumped in a spot. This is the  
28 object of the study. Whether it will be successful  
29 or not is something else again.

30 MR. MASON: Have you any idea when the





1 study will be completed?

2 THE WITNESS: Scheduled to be completed  
3 around the middle of the summer.

4 MR. MASON: This summer?

5 THE WITNESS: This coming summer.

6 MR. MASON: I see. Thank you.

7 MR. BRISSET: Is some of the material  
8 which you dredge out in Lake Erie used for land  
9 reclaiming projects?

10 THE WITNESS: None of the material which  
11 the government dredges out is used by the government  
12 for reclaiming projects. However, at Kingsville  
13 one year I believe the Kingsville Coal Company  
14 made arrangements with the contractor which was  
15 approved by the Department for using some of the  
16 dredged material to reclaim a portion on the west  
17 side of the Kingsville wharf.

18 THE CHAIRMAN: Are there any further  
19 questions of Mr. McKay? Thank you very much, sir.

20 ---Witness retires.

21  
22 THE CHAIRMAN: Would you like to have a  
23 few minutes?

24 MR. JACQUES: I think it might be better.

25 THE CHAIRMAN: We are going to adjourn  
26 for ten minutes.

27  
28 ---Short recess.





KENNETH McCUAIG, sworn

DIRECT EXAMINATION BY MR. JACQUES:

Q. I believe you are Secretary of  
the Lakehead Harbour Commissioners?

A. Port Manager and Secretary.

Q. How long have you been secretary?

A. March, 1961.

Q. The Board of Lakehead Harbour  
Commissioners are a body corporate under the Lakehead  
Harbour Commissioners Act, 7 Elizabeth II, Chapter  
34, Bylaws adopted under that statute as P.C.1960-53,  
amended by P.C. 1961-668 and P.C. 1961-1555. Am  
I correct, Mr. McCuaig?

A. You are correct.

Q. The Commission wrote to you on  
February 7th outlining certain points on which they  
wished to obtain evidence. I understand you have  
prepared a report on the questions which were asked  
and that you brought this report with you?

A. Correct, sir.

Q. Would you, sir, be kind enough to  
read the main part of your report?

A. The first question was an outline  
of the harbour limits, and this is covered by  
Section 4 of the said Act. Do you wish me to read  
the Act itself in its entirety?

Q. Please do, sir.

A. "For the purposes of this Act,  
the Lakehead Harbour comprises all the waters





1 of the harbours of Port Arthur and Fort  
2 William and Thunder Bay within the follow-  
3 ing boundaries:

4 "Commencing at the point where the  
5 easterly limit of the City of Port Arthur  
6 intersects the ordinary high water line of  
7 Thunder Bay, thence on a true bearing one  
8 hundred and twenty-five degrees one-half  
9 statute mile thence southerly in a straight  
10 line to a point on the ordinary high water  
11 line of Thunder Bay on the most easterly  
12 limit of Whiskeyjack Point as shown on  
13 Canadian Hydrographic Service chart No.  
14 2301, thence following in a northerly  
15 direction the ordinary high water line  
16 of Thunder Bay and the Mission, McKellar,  
17 Kaministiquia, Neebing, McIntyre and  
18 Current Rivers, or portions thereof that  
19 lie within the limits of the Cities of  
20 Fort William and Port Arthur respectively,  
21 to the point of commencement and all water-  
22 front property, wharves, piers, docks,  
23 buildings, shores and beaches in or along  
24 the said waters."

25 Q. Now, sir, as regards navigation,  
26 I believe that under Section 13, subsection (1),  
27 paragraphs (a) and (h), of the Act you have authority  
28 to make regulations for the control of navigation  
29 and use of the harbour; is that correct?

30 A. Correct.





1 Q. I believe also that your bylaws  
2 contain such provisions. Would you outline these  
3 provisions, please?

4 A. Well, the questions specifically  
5 answered were the control of movement and speed of  
6 vessels. This is covered under the following bylaws:

7 "Bylaw No. 59: No vessel shall  
8 move in the harbour at such a rate of speed  
9 as to cause damage or inconvenience to  
10 other craft, tows, wharves, structures  
11 or any work being carried on by the  
12 Commissioners or any other person in the  
13 harbour.

14 "(2). A vessel, when passing a  
15 dredge, pile driver, work tug, small craft  
16 or public work in the harbour, shall re-  
17 duce speed sufficiently to prevent damage  
18 or injury by bow-wave or wash to the cost  
19 or work and to any person employed on or  
20 in connection with the craft or work.

21 "Bylaw No. 60: No vessel shall  
22 navigate within one thousand feet of the  
23 shore in the harbour at a speed exceeding  
24 eight miles per hour.

25 "Bylaw No. 61: No vessel exceeding  
26 one hundred gross tons shall navigate in  
27 the harbour of Fort William at a speed  
28 exceeding four miles per hour.

29 "No vessel shall turn under its  
30 own power in the immediate vicinity of





1 any dredge crossing the Kaministikwia  
2 River, McKellar's channel or the Mission  
3 channel.

4 "No vessel exceeding two hundred  
5 gross tons shall turn in the harbour of  
6 Fort William except at (a) the turning  
7 basins constructed for that purpose at  
8 Westfort above the Canadian National  
9 Railways bridge; (b) the confluence of  
10 the Kaministikwia river with Mission  
11 channel; (c) the confluence of the  
12 Kaministikwia river with McKellar  
13 channel, or (d) the Canadian National  
14 Railways turning basin near the mouth of  
15 the Mission channel.

16 "Vessels exceeding two hundred gross  
17 tons and not exceeding three hundred and  
18 thirty-three feet in length may turn in  
19 the part of the Kaministikwia River lying  
20 between the bend above the Westland ele-  
21 vator and the easterly limit of the Robin  
22 Hood Mills dock, and in that part of the  
23 river lying between Canadian Pacific slip  
24 No. 1 and the confluence of the Kaministikwia  
25 and McKellar rivers, but no such vessel shall  
26 turn in those parts without the use of a  
27 tug except as permitted by the Harbour  
28 Master."

29 Q. Now, sir, were you in office  
30 when these bylaws were originally adopted?





1 A. No, I was not.

2 Q. You were not? You have no idea  
3 of how the decision to impose a speed limit was  
4 arrived at?

5 A. Only from information which was  
6 supplied to me by the Board that this had been given  
7 consideration, and this had been arrived at.

8 Q. Well, were master mariners con-  
9 sulted? Would you know that?

10 A. At the time the Commission had  
11 a Harbour Master employed who was a master mariner.

12 Q. At the moment has the Commission  
13 the services of a Harbour Master?

14 A. Our Harbour Master left us during  
15 last year, and at the moment I have the title of  
16 Acting Harbour Master for the time being.

17 Q. Would you carry on, please?

18 A. The question was asked by the  
19 Royal Commission on the use of tugs in the Lakehead  
20 harbour. Referring specifically to the use of tugs,  
21 the Lakehead Harbour Commissioners do not specifica-  
22 lly require the use of tugs in the movement of vessels  
23 except as covered under Bylaw No. 61, which I  
24 have read earlier.

25 The use of tugs is left to the  
26 discretion of the master and/or agent of the vessel  
27 concerned.

28 A question was asked with respect to the  
29 use of radiotelephones within the harbour. As you  
30 are aware, under the Canada Shipping Act commercial





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1 vessels must be equipped with radiotelephones.  
2 During the year 1963, in the spring of 1963, the  
3 Lakehead Harbour Commissioners set up a radio-  
4 telephone service operating both VHF and AM sets,  
5 guarded twenty-four hours daily during the naviga-  
6 tion season, and through a notice issued to  
7 mariners by the Department of Transport the station  
8 was put into operation April 5, 1963. I will say  
9 at the beginning, in the initial year it was one  
10 of experiment to ascertain whether or not assistance  
11 could be given to vessels by such a service.

12 Basically all vessels entering the  
13 harbour are required to report to the Commissioners  
14 Office. We ascertain the berths that they are  
15 moving to, and we advise them of all the works and  
16 other vessels moving in that particular area in  
17 which they are going to move; we ascertain that  
18 they have the latest Notice to Mariners issued by  
19 the Department of Transport, and the necessary  
20 charts for the harbour.

21  
22 -

23  
24 -

25  
26  
27 -





1 But we do not specifically direct them in which  
2 manner they are to approach the berth. This is  
3 left to the discretion of the masters.

4 Going a step further, vessels that are  
5 in the harbour and wish to move within the harbour  
6 -- and I must say that in both the Fort William and  
7 Port Arthur sections, in the Port Arthur section we  
8 have a number of elevators. The vessels there are in  
9 blind slips and must get out of them. In Fort  
10 William harbour you have two rivers to contend with  
11 with three bridges, etc. We ask all vessels to  
12 call us before they are going to leave their berths  
13 and we ascertain from them what berth they are  
14 leaving.

15 We can advise them what vessels, what  
16 works are taking place within the area in which  
17 they are going to move. Once again, we do not  
18 direct them. We advise them of other vessels'  
19 movements, etc., in the area. By the same token  
20 we advise them of works that are being carried  
21 out.

22 During 1963 the Department of Public  
23 Works undertook to enlarge the south entrance in  
24 the break wall in the Port Arthur section and that  
25 was closed for approximately four and a half  
26 months. Then it was reopened under restricted  
27 conditions and of course every vessel entering the  
28 harbour and moving in that area was advised of the  
29 restricted conditions, etc.

30 This service last year, as I say, was





1 experimental, but from the statements made by the  
2 masters of the vessels we believe that it has been  
3 or has created an assist which they appreciate  
4 a great deal. They know exactly what is moving  
5 within the harbour, and so on.

6 I do not know whether you want to go  
7 beyond that in radiotelephone service. In addition  
8 the Department of Transport operates a station for  
9 the transmission of their own information such as  
10 weather, and so on.

11 THE CHAIRMAN: This is the aviation  
12 station?

13 THE WITNESS: This is the aviation  
14 station, yes.

15 MR. JACQUES:

16 Q. Is your radiotelephone used  
17 to pass messages to agents or some agents?

18 A. No.

19 Q. Strictly your own use?

20 A. Strictly our own use.

21 THE CHAIRMAN: Is it used for pilotage  
22 purposes?

23 THE WITNESS: No, sir.

24 MR. JACQUES: Thank you.

25 THE WITNESS: You asked for a listing  
26 of accidents to vessels within the past five years.  
27 There is attached to the report, a copy of which  
28 I have given you, a list of accidents to vessels  
29 since 1959. There are roughly three and a half  
30 pages here.





1 THE CHAIRMAN: Excuse me. While we  
2 are on that would you file Exhibit 1085, the written  
3 report?

4 MR. JACQUES: Oh, yes, of course, my  
5 Lord. I apologize.

6 THE CHAIRMAN: Would you give the  
7 description?

8 MR. JACQUES: Report presented by the  
9 Lakehead Harbour Commissioners to the Royal Commis-  
10 sion on Pilotage on March 17, 1964.

11 ---EXHIBIT NO. 1085: Report of Lakehead Harbour  
12 Commissioners.

13 Q. Yes, please?

14 A. It is stated in the copy of the  
15 report, it is drawn to your attention at the outset  
16 that prior to 1962 the Lakehead Harbour Commissioners  
17 were not equipped to investigate accidents and all  
18 accidents listed prior to that date consist of  
19 information supplied by other parties. It is also  
20 drawn to your attention that prior to mid-1962 the  
21 list may not be complete, because when we talk of  
22 the year 1959 the Commissioners did not exist actual-  
23 ly at that time, at least for part of the season.  
24 In 1960 they were only becoming organized.

25 Do you wish me to read all these?

26 Q. The casualties?

27 A. Yes.

28 Q. No, thank you. What prompted  
29 the Commission to adopt the particular procedure for  
30





1 the investigation of casualties?

2 A. In late 1961 there was a case of  
3 a vessel grounding. This was a domestic vessel --  
4 grounding in an elevator slip. At the time the  
5 grounding took place, within, I would say, six  
6 hours the Commissioners were put on notice that  
7 they were being sued for damages, etc. It was  
8 at a time when we were just getting into this,  
9 so we instituted procedures to secure complete  
10 reports on all accidents.

11 Q. Have you had occasion to use  
12 that procedure as laid down in your bylaw and as  
13 laid down in the index to your submission?

14 A. All of the accidents in the report  
15 which are dated after June 1962, we have carried out  
16 an investigation, and we have reports in our records  
17 from the master, etc., of what took place.

18 Q. How has the system worked so far?  
19 Have you run into opposition on the part of ships'  
20 masters or pilots, or whoever is concerned with the  
21 accident?

22 A. No, sir, not up to this time.

23 Q. Nobody has attacked your authority  
24 to investigate?

25 A. No, sir.

26 Q. When you carry out an investiga-  
27 tion do you place witnesses under oath?

28 A. No, we do not.

29 Q. You do not?

30 A. No.





1 Q. Thank you. Please continue.

2 A. The next question asked by the  
3 Royal Commission was the duties of the Harbour Master.  
4 The Harbour Master of the Lakehead Harbour Commis-  
5 sioners is appointed by resolution of the Commis-  
6 sioners. The Harbour Master is responsible for  
7 administering and carrying out the purpose as  
8 outlined under the bylaws of the Commissioners with  
9 respect to navigation. He shall be the principal  
10 officer in the interpretation and enforcement of  
11 the Commissioners' bylaws and regulations as they  
12 affect the public afloat. He shall be subject to  
13 particular directions and instructions which may  
14 from time to time be given by the Commissioners.  
15 This roughly covers his duties.

16 The next question you asked for was  
17 a summary of delays in docking and undocking of  
18 vessels. We have heard rumours that there have  
19 been delays but in following these rumours up we  
20 have been unable to secure documentation in any  
21 way or support from the ships' agents, etc., that  
22 there were delays. Consequently we must state  
23 that there appear to be no delays.

24 The next question you had was ---

25 Q. One moment, now. In connection  
26 with the delays, to the best of your knowledge would  
27 the movement of vessels in and out of the Lakehead  
28 harbour be satisfactory? Apart from delays have  
29 you received any adverse comments on the handling of  
30 vessels in your harbour?





1 A. Are you referring specifically  
2 now to pilots and the use of pilots in delays?

3 Q. No, in general, not merely the  
4 use of pilots -- general ship movements.

5 A. I would say it is very, very good.  
6 I know of no delays which I would class as delays.  
7 We have twenty-six elevators at the Lakehead. I  
8 do not wish to get into the grain trade generally,  
9 but there are 178, I believe it is, different grades  
10 of grain. There are times when vessels must move  
11 from one elevator to another to continue loading.

12 By virtue of the organization of the  
13 elevator companies they hope to make the moves at  
14 hours when their staffs will be away to lunch, for  
15 instance, or to dinner in the evening. One vessel  
16 may be prepared to move at 11.30 in the morning.  
17 He starts to make his move but he cannot get into  
18 the following berth until 12.15 because there is  
19 a vessel loading there and she is just backing out.

20 But these are very short in duration  
21 and they are not delays that I would class as  
22 delays. They are more the operating procedure  
23 of the grain trade.

24 Q. I see. Thank you.

25 COMMISSIONER SMITH: If your  
26 lordship pleases, on this question of the general  
27 operation of the port so far as movements of ships  
28 are concerned and delays in that, I have before me  
29 a letter. This is not a recent one; it is dated  
30 the 4th December, 1962, to our Secretary from the





1 Canadian Grain Trimmers Lakehead Limited. I would  
2 like to pick out some of the sentences in it that  
3 perhaps would need some comments.

4 One paragraph says this:

5 "These captains usually have two strong  
6 complaints," ---

7 That is, the captains who are using the port.

8 "--- one being the shortage of pilots  
9 at the Lakehead and the other being the  
10 limited amount of water at the various  
11 grain elevators."

12 Then in another part of the letter they  
13 say this -- this letter is signed by Mr. Mosher:

14 "I do not suggest that I know the answer  
15 to the problem, but after sailing eighteen  
16 years in foreign-going ships, I do feel  
17 that the Lakehead could very well do with  
18 two permanent pilots stationed here at  
19 all times and placed under the supervision  
20 of someone who is experienced in foreign  
21 shipping."

22 There are some other things in the  
23 letter as well. You are probably familiar with it.  
24 I am not going to delay the time of the Commission  
25 by going further into it, but in a general way  
26 what would be your comments to those -- well, they  
27 are not exactly criticisms, but proposals and  
28 suggestions?

29 THE WITNESS: Sir, we have two separate  
30 entities or two separate questions here. I would





1 like to take them separately.

2 One is with respect to more water at  
3 elevator slips.

4 There are twenty-six elevators at the  
5 Lakehead. They are all privately owned. At this  
6 time the Department of Public Works for Canada takes  
7 care of dredging in our harbour and the specific  
8 policy of the Department is that they will do all  
9 capital dredging in main channels and all maintenance  
10 dredging in main channels. They would share with  
11 the private individual concerned in the approach  
12 channel to that private individual's facility.  
13 But the dredging at the facility itself is for  
14 the account of the private owner.

15 At the Lakehead we have -- if we go back  
16 over a number of years, in 1959 we had no elevator  
17 with Seaway draught. One of the elevators had to  
18 be rebuilt at that time, namely the United Grain  
19 Growers, and in the rebuilding it was dredged to  
20 Seaway draught.

21 Over the last four years the Manitoba  
22 Pools Limited completed a new addition to an ele-  
23 vator known as Pool 1. Late last fall that was  
24 put into service; I believe it was August 23rd.  
25 That has been dredged to Seaway draught, or 27-foot  
26 draught, by the elevator. This is in the slip.  
27 There are two other elevators at the Lakehead on  
28 which the necessary construction work has taken  
29 place to date to allow the deepening of the slip.

30 This is four out of twenty-six so far.





1 Two are actually dredged; two are now ready for  
2 dredging. Whether an additional two companies see  
3 fit to go ahead with the dredging themselves in  
4 their own area is still to be seen, although they  
5 have spent a great deal of money -- in one case  
6 I think it is \$700,000; in the other case, \$800,000  
7 -- in strengthening the dock structure and so on  
8 to take this dredging.

9 But of the other twenty-two elevators,  
10 none of the companies have indicated to date that  
11 they will pay out the necessary reconstruction,  
12 strengthening and so on, which would allow for such  
13 deepening of the slip. I say to this date. This  
14 may change as time goes on.

15 Does that answer your question, sir?

16 COMMISSIONER SMITH: That answers this --  
17 one being, he says, the shortage of pilots, and  
18 another being the limited amount of water at the  
19 various grain elevators.

20 THE WITNESS: This is the one I was  
21 trying to answer -- the limited amount of water.

22 COMMISSIONER SMITH: Yes.

23 THE WITNESS: With reference to pilots,  
24 I would like to go back and say that when the St.  
25 Lawrence Seaway became an entity in 1959, or at  
26 least up to that time, as far as overseas vessels  
27 were concerned we saw the odd one at the Lakehead  
28 but very, very odd. In 1959 two gentlemen at the  
29 Lakehead known as shipping agents came into being  
30 and they between the two of them -- for all intents





1 and purposes, all of the overseas agents act as  
2 agents for all of the overseas vessels. In 1959  
3 there were not pilots, of course, at the Lakehead.

4 One of the agents saw fit to set up a  
5 pilotage service as a, class it as a private enter-  
6 prise. He operated it. He hired retired tug  
7 captains, etc., or whoever he could get hold of at  
8 the time to act as pilots. This operation took  
9 place during 1959, 1960. In 1961 legislation was  
10 being considered by Canada and the United States  
11 which was eventually passed and eventually District  
12 3 came out of it.

13 However, at the opening of navigation  
14 in 1961 the legislation had not been passed as yet.  
15 But the Department of Transport saw fit to register  
16 the two pilots that this agent was employing and  
17 again in 1961 there was an operation carried out  
18 between the Department of Transport and the ships'  
19 agent with his pilots until such time as they were  
20 able to organize things, and so on.

21 At the beginning of navigation in 1962  
22 or by the beginning of navigation in 1962, District  
23 3 had been organized; a competition had taken place  
24 for pilots. Three captains were appointed for  
25 District 3 and were to be stationed at the Lakehead  
26 to operate out of the Lakehead under District 3.  
27 The headquarters for District 3 by joint agreement  
28 between the two governments is located in Duluth --  
29 that is the headquarters. But District 3 did  
30 appoint a dispatcher at the Lakehead to handle that





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1 portion of it.

2 In the initial stages there were some  
3 problems, but during the latter part of 1962 and  
4 all of 1963, I believe -- and this is only my own  
5 views, that with experience, etc., the situation  
6 is working out as well as can be expected. The  
7 complaints are very, very few today. We get the  
8 odd complaint that the invoice for instance for  
9 pilotage service has come from Duluth and it must  
10 be paid in American funds, and because there is  
11 an extra premium here there is a complaint.

12 -

13 -

14 -

15 -

16 -





1 English

2 I think this works both ways,  
3 looking at it over a period of time. The pilots located  
4 at the lakehead -- the Canadians are experienced men.  
5 They are lake Masters; and they seemed to be doing a  
6 good job as soon as they got into it in 1962 and all  
7 of 1963.

8 There is the very, very odd  
9 time that they may be away from the lakehead taking  
10 a vessel, say, to Duluth. We have averaged about 140  
11 foreign vessels per year over the last four years into  
12 the lakehead, and with three men I don't think you can,  
13 from a strictly business and economic viewpoint -- I  
14 believe that three men are all you need.

15 There are, as I understand  
16 it, within the regulations -- all three men happen to be  
17 occupied -- but application can be made to the Pilotage  
18 Division of the Department of Transport by telephone  
19 and if the conditions are all right and so on permission  
20 would be granted for the boat to move without a pilot.

21 COMMISSIONER SMITH: I would  
22 suppose from what you say that since the time this  
23 letter was written, which was December 4th, 1962, up  
24 until now there has been considerable improvement in  
25 the general situation?

26 THE WITNESS: That is correct.

27 COMMISSIONER SMITH: My Lord,  
28 there is one other question I would like to put to the  
29 witness, but it is quite far removed from pilotage and  
30 it may not be directly within our terms of reference; but





1 English

2 for curiosity I would like to ask it if there is no  
3 objection. It has to do with financing.

4 Under section 15 of your Act  
5 you have certain powers in regard to financing, such  
6 as the issuing of debentures and other matters. Do  
7 you have the power and the authority --your Commission --  
8 to go to the bank and borrow money in the name of the  
9 Commission just like an ordinary customer of the bank  
10 would do -- going in and borrowing money and signing  
11 a note? Do you have any such power as that?

12 THE WITNESS: Our Solicitors  
13 and ourselves and our bank interprets it that we have,  
14 but this is a very broad interpretation. It depends on  
15 the amount of money we are asking for. I would say, as  
16 a guess, that if we went to the bank and asked for  
17 \$10,000.00 there would be no trouble at all, but if  
18 we went to the bank and asked for half a million dollars  
19 there would be a lot of trouble and investigation.

20 COMMISSIONER SMITH: The reason  
21 I ask the question which, as I said before, has nothing  
22 to do with this investigation, is that before the  
23 National Harbours Board was created in 1936, Commissioners  
24 had, or took, their authority and they used to borrow  
25 rather large sums of money, and under the system that  
26 was in operation in this country at that time these  
27 Commissions sometimes changed personnel on a change of  
28 government; and when these changes took place the  
29 government would find that Commission "A" had borrowed  
30 \$200,000.00 from the bank and Commission "B" had





1 English

2 borrowed a similar amount from the bank and so on, which  
3 money the government had to pay. I was wondering if,  
4 under the new set-up, there was protection from that  
5 kind of financial dealing?

6 THE WITNESS: The only answer  
7 I can give you on that is that under the make-up of the  
8 present Board of Commissioners there has been no thought  
9 of borrowing money. The general policy is that we will  
10 work within the funds that we have, and if we haven't  
11 got the funds let us stop. And that is the general  
12 policy at the moment. We haven't got to the point  
13 of borrowing large amounts.

14 COMMISSIONER SMITH: I am not  
15 suggesting that.

16 THE WITNESS: But I can't  
17 answer that question; because I don't know.

18 MR. JACQUES: Section 14 of  
19 the Act provides that the Commission may, for the  
20 purpose of "...defraying the expenses of constructing,  
21 extending and improving the walls..." etc., "...borrow  
22 money in Canada and elsewhere at such a rate of interest  
23 as it finds expedient...."

24 COMMISSIONER SMITH: Yes; with  
25 the prior approval of the Governor-in-Council;  
26 but the cases that I have mentioned were without the  
27 approval of anybody.

28 THE WITNESS: This is just  
29 going to the bank and saying....

30 COMMISSIONER SMITH: Just like





1 English

2 an ordinary customer.

3 However, that has nothing to do  
4 with our enquiry.

5 MR. JACQUES: Would you continue  
6 with your report?

7 A. The next question that was placed  
8 before the Royal Commission is one with respect to  
9 maintenance dredging, hydraulic studies and surveys, etc.  
10 That is under the Department of Public Works for Canada,  
11 and I believe these were answered by Mr. Seawright this  
12 morning. The lakehead Harbour Commissioners are not  
13 carrying on studies on dredging nor are they carrying on  
14 any engineering work there with respect to dredging.

15 The next question that was asked  
16 was the question of the issuing of instructions or  
17 notices by the lakehead Harbour Commissioners. In order  
18 that there be no misunderstanding or misinterpretation  
19 and an orderly transfer from a public harbour to a  
20 Commission harbour, we have seen fit over the last three  
21 years to issue all of our notices with respect to work  
22 being carried on, etc., or something that is discovered  
23 within the channel, let us say -- we had an instance  
24 where a rock was discovered in the channel -- our notices  
25 are going out over the name of the Lakehead Harbour  
26 Commission which comes under the Department of Transport  
27 and this means that they do the issuing of notices to  
28 mariners. This is broadcast for 48 hours by the  
29 Department of Transport station and the notice is  
30 published from Ottawa under the regular system and that





1 English

2 is incorporated in the Mariners' Handbook, etc. We  
3 believe and sincerely feel that this has overcome a  
4 lot of misunderstanding and misinterpretation and so  
5 on.

6 It happens now that it is coming  
7 from one source to everyone, and it is rather rough  
8 at the start to drop something that has been working  
9 for years. We are working in cooperation with the  
10 Department of Public Works and the Department of  
11 Transport on this.

12 Q. With respect to your accident  
13 report, would you turn to page 3 and to the cases of  
14 the "ZINNIA" and the "ALGOWAY". The "ALGOWAY" case  
15 indicates an estimate of damage of \$72,000.00. Was  
16 that damage done to the harbour installation only, or....

17 A. That was damage done solely  
18 to the vessel. There were no damages to the harbour  
19 installations. She grounded.

20 Q. She was grounded while loading  
21 grain?

22 A. Yes.

23 Q. Do you know anything more about  
24 this incident?

25 A. With respect to this incident  
26 there were about five parties involved in this -- and I  
27 may be corrected on this -- the Algoma Central Railway  
28 and Parrish and Heimberger, who were the owners of  
29 the cargo, sued the Lakehead Harbour Commissioners and  
30 Manitoba Pool Limited who were the elevator operators in





1 English

2 this particular case -- so there were four parties  
3 involved in the damage to the vessel and cargo. The  
4 case was tried a year ago this month and the judgment  
5 was handed down about three weeks ago.

6 Q. Who won?

7 A. The vessel company was found at  
8 fault, and I understand there will be an appeal made  
9 in this case.

10 Q. The vessel was found at fault?

11 A. Yes.

12 Q. What about the other case, the  
13 case of the "ZINNIA"? Do you know if she had a pilot  
14 on board at that time?

15 A. She did. I haven't got his name  
16 here; but this vessel loaded....

17 Could I use the chart for a  
18 moment?

19 Q. Yes; and when you refer to the  
20 chart will you not say "here" and "there" but give  
21 a specific name.

22 A. This vessel was chartered to  
23 load to 25 feet at elevator "E" on the Kam River just  
24 below the Canadian National Bridge in Westport.

25 As outlined by the Department  
26 of Public Works earlier the three rivers are down to  
27 a depth of 25 feet, but the chart, etc., indicated that  
28 this was marginal. In other words, there could be  
29 a very slight difference there -- 24 feet 9 inches, or  
30 what have you; and this also depends on the level of





1 English

2 water right at the particular time.

3                   The vessel left elevator "E" and  
4 proceeded down the Kam River -- I haven't got the full  
5 report in front of me -- but I believe she grounded  
6 twice and was in trouble between the elevator and the  
7 entrance to the Mission River. She had two tugs pulling  
8 her. There is no question about her going on the bottom  
9 all the way. On the Mission she was across the river  
10 at least twice and up on one bank at least once. Then,  
11 near the mouth of the river, the Master says he felt  
12 the vessel touch something and she was holed. There  
13 was discovered in the channel at that point, where he  
14 claims he hit, a rock. In justification of the  
15 Department of Public Works, the area had been sounded  
16 in October and it had been sounded in November and  
17 again in the early spring after the opening of the  
18 river, and because of the dredging that had taken  
19 place in this area previously there was no rock indi-  
20 cated; but there was one there at that time. There  
21 have been many theories as to where the rock came from,  
22 that it could have been dragged in there by a vessel  
23 dragging its anchor, or that the frost during the  
24 previous season had forced it up from the bed of the  
25 river -- but the vessel was definitely holed, there is  
26 no question about that; and it required extensive  
27 repairs. Actually they estimated damage to the cargo.  
28 There is no report in as yet on the final cost to the  
29 vessel itself, and beyond that there is very little I  
30 can add.





1 English

2 Q. Thank you. Is there anything  
3 else you would like to add with respect to the terms  
4 of reference of the Royal Commission?

5 A. Specifically with respect to  
6 pilotage, pilotage comes under the Canada Shipping Act  
7 and is administered by the Department of Transport  
8 accordingly; and in our particular area pilotage comes  
9 under District 3.

10 The headquarters for District 3  
11 are located in Duluth. There is a dispatcher there for  
12 the Canadian limits, who has been appointed by District  
13 3 to dispatch the pilots in question.

14 Once the initial period was gone  
15 through and with the experience and so on in 1962, the  
16 indications to us are that the system is working fairly  
17 well. I have had a couple of companies who said --  
18 or at least the agent was invoiced and had to pay in  
19 American funds. The question arises: Why should the  
20 headquarters for District 3 be in Duluth? Why isn't  
21 it on the Canadian side? But you must go through all  
22 the legislation that is involved with District 1,  
23 District 2 and District 3. There is a joint under-  
24 standing here between two countries and two governments.

25 Q. Have your Commissioners ever  
26 thought of setting up -- well, of course, before the  
27 implementation of the Great Lakes Pilotage Act -- have  
28 your Commissioners ever thought of setting up their  
29 own pilotage system? Have you ever found a need for  
30 that, or have they ever had a request from ship owners?





1 English

2 A. In 1960 -- and you must remember  
3 that the Commissioners were only coming into being in  
4 1960 -- the thought was put forward that the  
5 Commissioners would set up local pilotage. At that  
6 time what is now known as District 3 hadn't been set  
7 up, but legislation was being considered. It was  
8 finalized early in 1961, and through that legislation  
9 really all we would be doing would be doubling up  
10 something we had already -- pilots with B certificates  
11 and so on. So in view of the fact that the Commissioners  
12 were being called into being in 1960 and, at the same  
13 time, the governments of Canada and of the United  
14 States were setting up a District 3, because of the  
15 legislation surrounding the same we didn't feel that  
16 we should go ahead with it.

17 MR. JACQUES: Thank you.

18 CROSS-EXAMINATION BY MR. BRISSET:

19 Q. Were you aware that in 1959 and  
20 1960 when you had pilotage within the harbour this  
21 pilotage organization had been arranged by the  
22 Shipping Federation of Canada through their agent,  
23 Mann, in the harbour?

24 A. I started with the Commission in  
25 1961 and I am not aware of this.

26 The indications to me were that  
27 Captain Mann had himself set this up as a private  
28 enterprise.

29 Q. You didn't know under whose  
30 direction or instruction he had done so?





English

A. That is right.

Q. At all events, in 1961 pilotage was taken over by the Department of Transport at the lakehead?

A. That is correct. As I understand it, it was still operated through Captain Mann using the same men who had been registered by the Department of Transport and given authority to act as pilots. What the financial arrangements were, etc., I don't know. But this existed for the season 1961 and then in late 1961, during the winter of 1961-62, competitions were held and there were men appointed.

Q. In other words, in 1961 the actual set-up was not disturbed; it was still Mr. Mann being in charge, but then under the direction of the Department of Transport?

A. As I understand it, yes.

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1 English

2 CROSS-EXAMINATION BY MR. BRISSET:

3 Q. Now, Mr. McCuaig, leaving aside  
4 the problems that might arise out of legislation of  
5 pilotage as it exists today, would you find it an  
6 advantage to your port to have control of the pilots?  
7 In other words, to be able to have the required  
8 authority over the pilots, not only from the point of  
9 view of dispatching, but also administering pilotage  
10 within the limits of the harbour rather than what appears  
11 to be a rather complex system that you have at the  
12 moment?

13 A. Well, I don't believe you can  
14 overlook legislation in this case. The present legis-  
15 lation, as it stands, a vessel without a B certificate  
16 must have a registered pilot aboard, and if the vessel  
17 has no B certificate, if we had pilotage service,  
18 actually all we are doing is doubling up. That is number  
19 one.

20 Number two, we have averaged up  
21 to now about 140 to 150 vessels per season. If we  
22 assume that half of those had B certificates and could  
23 use our pilots, we would have to take a very close look  
24 at the economical end of the thing because somebody has  
25 to pay the costs. If it would support itself, I believe  
26 that we would give consideration to it, but if it would  
27 not support itself, where would we get the money to pay  
28 for it? We are just making suppositions here.

29 Q. In other words, you are basing  
30 two conditions to the suggestion that is made to you.





1 English

2 First, that you cannot do it under the present legis-  
3 lation because that would mean duplication, and  
4 secondly --

5 A. Presently the legislation says  
6 that only registered pilots may act as pilots. If we  
7 had a pilot in our harbour, he would not be a pilot.  
8 We could call him something else but not a pilot.

9 Q. Yes. I entirely agree with  
10 you. In order to establish a system of pilotage under  
11 your authority, there would have to be a change in  
12 legislation?

13 A. In legislation, that is correct.

14 Q. I might mention that this  
15 Commission, within its terms of reference, has to look  
16 into the question of whether changes in the legislation  
17 should or should not be made. That is why I am asking  
18 you the question.

19 Secondly, you pointed out to us  
20 that the matter of economics would enter into your  
21 decision. In other words, you would have to be satisfied  
22 from the revenue point of view you would derive enough  
23 revenues to be able to maintain the service. Is that  
24 putting it fairly?

25 A. That is putting it fairly.

26 COMMISSIONER SMITH: May I follow  
27 that up a minute?

28 MR. BRISSET: Yes.

29 COMMISSIONER SMITH: Leaving aside  
30 all the technicalities and existing laws and changes in





1 English

2 the existing laws and all that, could a better pilotage  
3 service be provided by your Commission at Thunder Bay  
4 area than now exists, leaving aside the economics of  
5 it altogether?

6 THE WITNESS: Well, based on the  
7 1963 season only, because I believe that this latest  
8 version is really only getting into action in 1963;  
9 previous to that it was just starting, but in 1963,  
10 talking solely the harbour, because we can only talk  
11 within our limits -- we can't talk of the open lake  
12 and so on -- the present pilotage service appears to be  
13 satisfactory.

14 I do not think you could improve  
15 on it other than getting into the argument if we had  
16 seven men rather than three men sitting around all the  
17 time you could move seven vessels at once, but I think  
18 we are going into -- I will just use the expression  
19 cloud nine. People say we should have seven and should  
20 have nine and so on, but I can't see it myself.

21 COMMISSIONER SMITH: The service  
22 does not need to be improved?

23 THE WITNESS: Based on last  
24 year's operation, I believe the service is as good as  
25 you can secure.

26 BY MR. BRISSET:

27 Q. Do you consider with your  
28 organization at the Lakehead you could, if you had  
29 control of pilots, provide as good a service?

30 A. There is no reason why you can't.





English

Q. Would you find any advantage in having control of pilots and pilotage in your District from the point of view of, first, control of traffic, and discipline of the pilots?

MR. LALONDE: I have one point of clarification here which I would like my friend to make. He says, "in your District". You mean in the harbour?

Q. Within the limits of your harbour. You might put it that way.

A. Would you repeat that for I think it was loaded at the tail end.

Q. I was asking you whether you would find an advantage in taking over pilotage from the point of view of control of traffic within the limits of your harbour, and also control over the pilots themselves from the point of view of discipline and so forth?

A. Could I answer the very last part of your question? You are talking about discipline. There were a number of rumors in early 1962 that a man at the time left a lot to be desired. We checked out a number of these rumors, and they were strictly rumors. There was only one instance of one man being inebriated when he boarded a vessel, and the man was -- I don't know what was done with him, but I know he left our area. Whether he was discharged fully or whether he was moved to some other area, I am not sure.

Since that time there has been a





1 English  
2 lot of rumors of this, but I can't justify them. In  
3 other words, when we check them out there does not seem  
4 to be any truth in them. At least the Masters won't  
5 back up the statements. Generally the statements do  
6 not originate with the Master; they originate about  
7 eighth hand, and when you follow it through you wonder  
8 where it did originate.

9 On discipline, these are all  
10 grown men. Discipline is discipline no matter where  
11 you are. Whether we, being on the spot could discipline  
12 men better than District 3 or the Department of Transport  
13 can from their headquarters, it is only logical that  
14 we should be able to on the spot, but is it necessary?  
15 Just what are you getting at? Was it the question that  
16 there were rumors of drinking amongst the pilots?

17 Q. I did not even know of the rumor  
18 you have mentioned. I was simply asking you whether  
19 you would find advantage in having control of the pilots,  
20 seeing that they are working within the limits of your  
21 harbour, instead of having the authority, say, in  
22 Ottawa or Duluth?

23 MR. LALONDE: A very subjectively  
24 loaded question.

25 THE WITNESS: Under the Act we can still set up  
26 by-laws covering navigation within the harbour, and we  
27 can stipulate the conduct of pilots whether they are  
28 our pilots or who they are.

29 Q. You have, for instance, in your  
30 by-laws provisions stating the limit of speed of vessels





English

within the limits of the harbour. Let us assume that a ship with a pilot on board does exceed these limits, and therefore commits a breach of your regulations. What will you do? Assume that the breach occurred. We are not dealing with rumors here.

A. I was going to say the first thing you must do is prove that the breach actually took place.

Q. Yes, assume that it has.

A. And secondly if a breach of the regulations does take place, then they would be charged under the by-laws.

Q. Who would be charged?

A. The vessel would be charged.

Q. Could the Master be charged?

A. The Master is in charge of the vessel. He is the man that must accept the summons.

Q. Could the pilot be charged?

A. Not that I am aware of. The Master is responsible for the vessel, and that is it. That is my interpretation. I could be wrong.

Q. In all cases would you charge the vessel?

A. Correct.

Q. Would you make a report to the Department of Transport if there were a pilot on board?

A. Would we make a report?

Q. Yes.

A. This would depend on the circum-





English

stances, but generally we are not reporting to the Department of Transport. If there were an accident, say, the vessel did a large amount of damage through this, or what have you, it is very likely we would pass all the information on to the Department of Transport, but if it was a straight -- like out here on the road where there is a 30 miles an hour limit, and someone is going 32 miles an hour, and they get a speeding ticket, it is very unlikely we would pass this on.

Q. And leave it to the Department of Transport to take any further action that may be warranted if the pilot has had anything to do with the breach?

A. I assume it would be up to the Master of the vessel, and I am just assuming he would make his own report that he is dissatisfied with the pilot.

Q. Would that report be submitted to you?

A. Not to us. It would be submitted by the Master of the vessel or the vessel's owner or agent directly to the Pilotage Association.

THE CHAIRMAN: Should such a report be made to you, what would you do?

THE WITNESS: If it were made to us, we would certainly take it back to the Department of Transport.

BY MR. BRISSET:

Q. If there was a complaint made by





English

1  
2 the shipping interests with respect to the administration  
3 of pilotage, and you have already indicated one type  
4 of complaint you have heard of, mainly billing in U.S.  
5 funds, how would you handle such a complaint?

6 A. We work very closely with the  
7 Department of Transport. Don't misunderstand me when  
8 I said earlier that we don't report things to them  
9 and so on. But in that particular case we went back  
10 to the Department of Transport, to the Assistant Deputy  
11 Minister and said we had heard of this report. The  
12 Assistant Deputy Minister put his group from the  
13 Pilotage Division in Ottawa on it, and sent a group  
14 to the Lakehead, and they investigated, or at least  
15 checked with the shipping agent that had made the  
16 statement. We were not brought into it. It was carried  
17 out between the agent and the pilotage group in Ottawa.

18 As we understand it, they were  
19 satisfied, both parties, and that was the end of it.

20 Q. In the letter which was  
21 addressed to you by the Assistant Deputy Minister, Mr.  
22 Stead, on October 10, 1962, this was said, and I quote:

23 "Be assured I can readily appreciate the  
24 Commissioners' concern over the possibility of  
25 adverse effects upon the business of the  
26 harbour which might result from unsatisfactory  
27 pilotage arrangements, and I will be pleased  
28 to receive any communication transmitted in  
29 the future."

30 Was there anything specific at





1 English

2 the time that was causing concern to the Commissioners?

3 A. This was a general conversation,  
4 and once again we are talking about only 1962; after  
5 1959, 1960 and 1961. In early 1962 the final legis-  
6 lation went through setting up District 3.

7 We were still concerned that  
8 if the pilotage situation did not work out, if it  
9 was detrimental to the port as a whole in the movement  
10 of vessels, we certainly wanted to be in a position to  
11 make comments on it and complain, if you want to use  
12 that word, and this was strictly just conversations  
13 between ourselves and the Department of Transport on  
14 suppositions. There was nothing to tie it down.

15 Q. Have you had occasion since  
16 this letter was written to make a specific complaint  
17 to the Department of Transport in connection with  
18 pilotage arrangements in your port?

19 A. No, sir.

20 THE CHAIRMAN: We see from your  
21 by-law, section 139, paragraph 2, you have power to  
22 put a punishment to even the pilot where a vessel has  
23 violated any of the provisions of these by-laws; Master,  
24 pilot, owner or person in charge of vessel is liable,  
25 etc.

26 THE WITNESS: What I answered  
27 was we would charge the vessel, and as far as I am  
28 concerned, the Master is responsible for the vessel.

29 MR. JACQUES: You have power  
30 to arrest the vessel but not the pilot, I believe, under





1 English

2 the statutes.

3 THE WITNESS: Well, we could  
4 detain a vessel, yes.

5 THE CHAIRMAN: The charges  
6 laid under the by-law; a charge could be laid against  
7 the pilot?

8 THE WITNESS: It could be laid  
9 against anyone, but we would lay it against the vessel  
10 initially.

11 MR. JACQUES: There is power  
12 to seize and detain any vessel within the Province of  
13 Ontario.

14 BY MR. BRISSET:

15 Q. Now, Mr. McCuaig, assuming,  
16 and I want you to keep in mind that we are only  
17 assuming for the moment, assuming that pilotage in  
18 your harbour would come under your jurisdiction, would  
19 you have the necessary staff at the moment to do the  
20 dispatching? Would you have the means to do that?

21 A. No, sir.

22 Q. What would that require by  
23 way of additional staff?

24 A. Well, without investigating the  
25 thing completely, I don't think I could answer the  
26 question fairly. The way vessels operate, you would  
27 need an office that was on duty 24 hours a day I would  
28 assume. You would need either or both a land vehicle  
29 and a vessel of some kind to transport the pilots to  
30 the vessels. There could be other considerations





1 English

2 required also.

3 Q. How do you man your radio  
4 stations?

5 A. It is manned by our security  
6 force at the terminal which we are administering in  
7 the gate house -- at the entrance to the terminal  
8 facilities there is a gate house, and there is a man  
9 on duty 24 hours a day at the gate house, and he also  
10 looks after the radio.

11 Q. VHF and AM?

12 A. Yes.

13 Q. What about the harbour master's  
14 office? Has he anything to do with the movement of  
15 vessels, or is that handled by the employees tending  
16 the radio?

17 A. When you say "manage the  
18 movement of vessels", as I said to you earlier, we do  
19 not direct vessels to move. Up to this time vessel  
20 movements are by virtue of the cargos and the place  
21 they are to be picked up or off-loaded by the vessels.

22 Q. I may not have phrased my  
23 question correctly. What I was driving at is who is  
24 the employee or officer who gives advice to the vessel  
25 of the situation in the harbour when a vessel wants  
26 to move? Who does that?

27 A. The man on duty on the radio  
28 at the time. He is also the gateman with the facilities

29  
30 Q. Could you call him also traffic





English

officer?

A. Security traffic officer.

Q. All that is done by this attendant, and there is an eight-hour watch for each of the men doing that job?

A. Yes, sir.

Q. So you have three working?

A. Twenty-four hours a day, seven days a week. It is covered at all times.

CROSS-EXAMINATION BY MR. LALONDE:

Mr. McCuaig, do you have any regulation providing for a maximum draught in the harbour of a vessel?

A. Have we any regulation?

Q. Yes, establishing a maximum draught?

A. No. We advise all shipping companies that they are to use the latest issue of chart 2314 of the Canadian Hydrographic Service together with Notices to Mariners that have been issued for draught.

Q. I see.

A. The chart itself indicates that the rivers in the Fort William portion of the harbour are maintained to 25 feet. However, this is marginal. Over the year there could be a certain deposit of silt, as was outlined by the engineer from the Department of Public Works this morning. It is so much per year.

In the Port Arthur section of the harbour the channels are all shown on the chart and





1 English

2 the depths in the channels are shown. We prefer them  
3 specifically to use the chart.

4 Q. What I am referring to is a  
5 particular institution in Montreal harbour where they  
6 have a person called the harbour port warden who  
7 inspects vessels before they leave and checks the  
8 vessel so that the vessel will not leave with more  
9 than a certain draught. You do not have any such  
10 function or any such requirement?

11 A. There is a port warden at the  
12 Lakehead. He is employed by the Department of Transport  
13 and operates solely within their jurisdiction. As  
14 I understand it his duties are exactly the same as  
15 the port warden in Montreal or Halifax or Vancouver  
16 or Churchill. His is one of inspection mainly for the  
17 storage of the cargo.

18 As far as draught is concerned  
19 I think this relates to the vessel itself. There is  
20 a timing element. Some have a load line and so on that  
21 he must not exceed. This has nothing to do with the  
22 amount of dredging that takes place.

23 Q. But as far as you know that  
24 port warden would have no authority to impose a  
25 maximum draught -- that is, to prevent vessels from  
26 leaving Fort William and Port Arthur overloaded?

27 A. As far as I know, no, but I  
28 do not know the terms of reference of the port warden  
29 completely.

30 Q. He does not come under your





1 English

2 authority at all?

3 A. No.

4 Q. Did you have to institute any  
5 action for excessive speed in the harbour since you  
6 have been in function, to your knowledge?

7 A. We issued two warnings to  
8 one vessel and we stopped his speeding, and that is  
9 the extent of it.

10 THE CHAIRMAN: The warnings,  
11 were they sent by radio-telephone -- the warnings  
12 for speeding?

13 THE WITNESS: These were  
14 warnings that were verbally to the Master that he was  
15 speeding in an area.

16 THE CHAIRMAN: After the  
17 operation?

18 THE WITNESS: Yes. Once again  
19 this is like the traffic policeman on the highway.  
20 We have to catch him and prove he was actually speeding.  
21 This is difficult at times.

22 MR. LALONDE: Q. Was this a  
23 deep sea vessel?

24 A. No.

25 Q. A lake vessel?

26 A. Yes.

27 Q. No pilot aboard?

28 A. No.

29 Q. You have not considered taking  
30 over the control or the discipline of the Masters of the





1 English

2 lake ships because of that?

3 A. When you say discipline of the  
4 lake Masters, what are you getting at?

5 Q. The same thing as the discipline  
6 of the pilots really.

7 MR. BRISSET: They are not  
8 your employees?

9 THE WITNESS: Nor are the  
10 pilots.

11 MR. LALONDE: Thank you very  
12 much.

13 THE CHAIRMAN: I see that you  
14 have no control over the pilots; you are not exercising  
15 it as traffic control. But I see from your evidence  
16 that you are interested in the good performance of the  
17 service because whenever there is an accident or there  
18 are rumors of a breach of conduct on the part of a  
19 pilot you make an investigation?

20 THE WITNESS: We certainly look  
21 into it.

22 THE CHAIRMAN: And it happens  
23 that rumors were only rumors. But should you have come  
24 to find facts that were really detrimental what would  
25 you do with them?

26 THE WITNESS: We would pass them  
27 to the Department of Transport and we would certainly  
28 pass them to the local dispatcher for District 3 and  
29 expect that he would pass them to headquarters.

30 THE CHAIRMAN: What would be the





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TORONTO, ONTARIO

McCuaig, cr-ex  
(Lalonde)

14871

1 English

2 reason for you to do so?

3 THE WITNESS: We are interested  
4 solely in the good of the port.

5 MR. LALONDE: Q. You referred  
6 to rumors and you said, I think, you had not been able  
7 to trace the source of these rumors -- or have you  
8 been able to?

9 A. In many cases we have traced  
10 out the source of the rumors and they had originated  
11 in one of the so-called pubs locally -- a few fellows  
12 sitting down and thinking ~~that~~, well, a vessel came  
13 in this morning and he has got a Greek Master on  
14 and he cannot talk English and he has got a pilot from  
15 the American side that has no ticket, and things of  
16 this nature.

17 COMMISSIONER RENWICK: Could  
18 I ask a question while we still have Mr. McCuaig?

19 (To Mr. Jacques): Are we  
20 going to have Mr. Lucky?

21 MR. JACQUES: Yes. Mr. Lucky  
22 is expected tomorrow morning, sir.

23 COMMISSIONER RENWICK: Fine.  
24 I was going to put the question to Mr. McCuaig with  
25 reference to Mr. Lucky's work, but he is coming here?

26 MR. JACQUES: Yes, sir.

27 THE CHAIRMAN: Are there any  
28 further questions of Mr. McCuaig?

29 THE SECRETARY: Do you send the  
30 reports of your shipping casualty investigations to the





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McCuaig, cr-ex 14872  
(Lalonde)

1 English

2 Department of Transport?

3 THE WITNESS: The ones that we  
4 have had to date we have submitted to the Marine Works  
5 Branch just as information.

6 THE SECRETARY: Do you happen  
7 to know whether these shipping casualties which you  
8 have investigated were also investigated by the Depart-  
9 ment of Transport?

10 THE WITNESS: As far as I know,  
11 no.

12 THE SECRETARY: Have you ever  
13 received reports of shipping casualty investigations  
14 by the Department of Transport?

15 THE WITNESS: No, sir. Could  
16 I just go back and refer to the earlier question? If  
17 there is an accident -- and let us speak of one case  
18 listed here, the "ALGOWAY", the vessel grounded on  
19 the bottom loading grain. She had held herself. The  
20 Steamships Inspection Branch of the Department of  
21 Transport certainly were involved in that because the  
22 vessel had to be lightened up and moved to the shipyard  
23 and so on.

24 THE SECRETARY: Was the investi-  
25 gation into this shipping casualty done concurrently  
26 with your investigation -- with the Department of  
27 Transport?

28 THE WITNESS: Actually, the  
29 steamship inspection carried out sometimes is not  
30 related to the information that we want. The steamship





McCuaig, cr-ex  
(Lalonde)

1 English

2 inspection is more concerned with the conduct of the  
3 vessel and so on and after the accident... In the case  
4 of the "ALGOWAY" there is no question what happened.  
5 But he was interested in many details with respect to  
6 the condition of her plates, and so on -- how old were  
7 they and things that did not interest us. There are  
8 some points that had interested both of us, yes.

9 THE SECRETARY: Thank you.

10 THE CHAIRMAN: Are there no  
11 further questions of Mr. McCuaig?

12 Thank you very much, Mr. McCuaig.

13 I do not think we have time  
14 to start another witness. We will adjourn until  
15 tomorrow morning at ten o'clock.

16 ---WHEREUPON THE HEARING ADJOURNED UNTIL WEDNESDAY,  
17 THE 18th DAY OF MARCH, 1964 AT 10:00 A.M.

18

19

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# ROYAL COMMISSION

ON

## PILOTAGE

### HEARINGS

HELD AT

TORONTO ONTARIO

VOLUME No.:

118

DATE:

18 March, 1964

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held  
in the Toronto Board of Education  
Building, 263 McCaul Street,  
Toronto, Ontario, on Wednesday,  
the 18th day of March, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots
Mr. Colin Mason	for Dominion Marine Association





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\* \* \* \* \*





1 ---On resuming at 10.00 a.m.

3 KENNETH McCUAIG, recalled, sworn

5 CROSS-EXAMINATION BY MR. BRISSET (Cont'd):

6 Q. Mr. McCuaig, I have a record  
7 on the 4th of October, 1962, there was a meeting at  
8 the office of the Harbour Commissioners between  
9 representatives of the Department of Transport, Mr.  
10 Mann of Lakehead Shipping Company Limited, Captain  
11 Thaaalen of the Lake Superior Shipping Limited,  
12 representatives of the Lake Superior Pilots Associa-  
13 tion, and Captain Matheson of the Shipping Federation  
14 of Canada; that prior to this meeting you were inter-  
15 viewed by these gentlemen. Do you recall it?

16 A. Just to clarify, I was not inter-  
17 viewed by all of the gentlemen you have named. If  
18 I remember correctly, there was a man from the  
19 Department of Transport -- I am not sure whether  
20 it was Alan Cumyn, but I believe it was -- and  
21 Captain Findlay, the Port Warden for the Department  
22 of Transport at the Lakehead, were the two gentlemen  
23 who called on me. There was a meeting later in the  
24 day with the gentlemen you have outlined.

25 We did not attend that meeting. I did  
26 not, nor did the Harbour Commission have representa-  
27 tion on it, and I don't know the outcome of that  
28 meeting.

29 Q. I have a memorandum setting out the  
30 gist of the discussions when you were interviewed, and





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McGuaig, John  
(2-15-46)

1/11/46

1 I would like to read it to you and have you confirm  
2 whether or not it represents what took place at the  
3 time. The memorandum reads:

4 "The DCT officers and Captain Mathe-  
5 son, on a suggestion of Captain Findlay,  
6 first interviewed Mr. Ken McCuaig, Port  
7 Manager and Secretary, Canadian Lakehead  
8 Harbour Commissioners. Mr. McCuaig was  
9 critical of the pilotage services at the  
10 Lakehead, particularly during the last  
11 few months.

12 "He was concerned on account of pilots  
13 not being available when required to pilot  
14 ocean vessels, and also on account of the cost  
15 of pilotage for vessels at the Lakehead. In  
16 many instances expenses of pilots exceeded  
17 the actual pilotage.

18 "Mr. McCuaig stated the Lakehead  
19 Harbour Commissioners were not happy with  
20 the arrangement where the Canadian Lakehead  
21 ports had to rely on a pilot U.S. organiza-  
22 tion for pilots. In this connection he  
23 suggested the Lakehead Harbour Commissioners  
24 be permitted to establish harbour pilotage  
25 at the Lakehead as a solution to the present  
26 difficulties.

27 "Mr. Cumyn explained the provisions  
28 of the joint agreement between the U.S. and  
29 Canadian governments with respect to Great  
30 Lakes pilotage, and stated as a result of





1 this agreement pilotage for movages of  
2 vessels at the Lakehead without a B certifi-  
3 cate must be supplied by the U.S. pilotage  
4 pool at Duluth.

5 "Mr. Cumyn explained further that the  
6 purpose of his visit to the Lakehead was to  
7 investigate pilotage, and that measures would  
8 be taken to rectify the present unsatisfac-  
9 tory situation."

10 Would that be a fair reporting of the discussion?

11 MR. LALONDE: Before the witness answers  
12 this question, I would like, my lord, my friend to  
13 state where this document comes from and who wrote  
14 the report.

15 MR. BRISSET: This memorandum was pre-  
16 pared by Captain Matheson on his return on October  
17 11th, 1962.

18 MR. LALONDE: Thank you.

19 THE WITNESS: That report is factual.  
20 I am going back to the testimony I made yesterday.  
21 I said in my estimation there was a great problem  
22 in the years 1959, 1960 and 1961. However, the  
23 Department of Transport had taken over pilotage in  
24 1962, and in the early part of 1962, that there  
25 were many problems, but that experience was such  
26 that in the year 1963 it was apparent that most of  
27 the problems had been overcome, and it was working  
28 what we would consider as satisfactorily at this  
29 time. No question about it, and I think I said  
30 that yesterday in the early stages there were troubles.





1 BY MR. BRISSET:

2 Q. Would you explain to us how it  
3 came about that expenses of pilots exceeded the  
4 actual pilotage costs in that year 1962?

5 A. In this particular case, and I  
6 believe I said yesterday, invoicing is done from  
7 Duluth, and it is in American funds. The particular  
8 instance in question was a request for a pilot;  
9 because of the number of vessels in the port at  
10 the time a pilot had to be brought in from Duluth.  
11 His expenses from Duluth to the Lakehead were  
12 charged to the agent in American funds, and that  
13 agent made a specific complaint that he was receiving  
14 invoices for transportation of pilots from one area  
15 to another, and in addition he was having to pay  
16 the exchange on American funds to operate a  
17 Canadian operation in Canadian waters.

18 You can go down all sorts of alleys  
19 on this sort of thing. I believe there was testi-  
20 mony earlier here yesterday where at one time the  
21 vessels were being charged in Canadian funds because  
22 the exchange was the other way.

23 I might say for the benefit of the Court,  
24 and this is only hearsay that I have, but on this  
25 specific complaint it became apparent -- at least  
26 the information I have is that the complaint was  
27 settled very quickly in that the agent in question  
28 had not been paying his bills, and this was brought  
29 to light. The whole subject was dropped by the  
30 agent. It was one of those personality deals.





1 Q. When he stated that in many  
2 instances expenses of pilots exceeded actual  
3 pilotage, there was more than one case?

4 A. I only referred to one. That  
5 is the only one I knew of.

6 Q. Did you have other discussions  
7 with Department officials either informally or  
8 formally after this meeting of October 1962?

9 A. I had a number of discussions  
10 informally with different members of the Department,  
11 and with respect to dates, I cannot be sure that it  
12 was all prior to October 1962, but I believe it was.  
13 Or at least all the discussions were. These were  
14 general discussions. In the main the discussions  
15 surrounded the interpretation of the legislation.  
16 For clarification of the present legislation.

17 Q. Did you ever question the neces-  
18 sity of having a pilot on board an ocean vessel  
19 transitting, for instance, the open waters of Lake  
20 Superior?

21 A. Yes. The answer is if a vessel  
22 has a B certificate you may cross Lake Superior  
23 without a pilot but that if he doesn't have a B  
24 certificate, he must have a registered pilot aboard.

25 Q. That is the answer you received?

26 A. Yes, correct.

27 Q. In so far as the practical aspect  
28 of this meeting is concerned, have you ever put in  
29 doubt the necessity of having a pilot in the open  
30 waters of the lake?





1 MR. LALONDE: The witness stated  
2 yesterday he had no maritime experience, if  
3 I remember well.

4 THE WITNESS: That is correct. I don't  
5 know whether I am qualified to answer that.

6 Q. All right.

7 A. From a straight economic view-  
8 point, and with no marine experience. But looking  
9 at it very openly, if a man is allowed to sail on  
10 the ocean, and looking at an open lake in the same  
11 manner, it raises some doubts, strictly from the  
12 economic end.

13 THE SECRETARY: My lord, in view of the  
14 interpretation given the local pilotage as contained  
15 in that memorandum which purports to come from a  
16 departmental official, I wonder if Mr. Brisset would  
17 consider filing this document?

18 MR. BRISSET: You are speaking of the  
19 memorandum?

20 THE SECRETARY: Yes. Memorandum of  
21 the meeting.

22 MR. BRISSET: I have no objection to  
23 filing the memorandum. It will be Exhibit ?

24 THE SECRETARY: Exhibit 1086. What  
25 is the date?

26 MR. BRISSET: The memorandum is dated  
27 October 11, 1962.

28 THE SECRETARY: I mean the date of  
29 the meeting.

30 MR. BRISSET: The date of the meeting





1 is October 4, 1962.

2  
3 ---EXHIBIT NO. 1086: Memorandum of Meeting held  
4 October 4, 1962.

5 BY MR. BRISSET:

6 Q. Am I correct in understanding, Mr.  
7 McCuaig, that following this meeting of October 4,  
8 1962, you received a letter from Mr. Gordon W.  
9 Stead, Assistant Deputy Minister of Marine, dated  
10 October 10th, 1962, copy of which letter is included  
11 in your report, Exhibit 1085?

12 A. This letter does not refer to the  
13 meeting of October 4th.

14 Q. I see that it refers to a letter  
15 of September 28th.

16 A. It refers to a meeting of the  
17 Canadian Port and Harbour Association that took  
18 place in Port Alberni approximately mid-September,  
19 1962, at which certain discussions, not formally,  
20 were held amongst representatives of all the  
21 ports of Canada.

22 Pilotage was discussed, and I requested  
23 clarification of Mr. Walter Manning, Director of  
24 Marine -- I think he is director of Marine Works,  
25 is he not?

26 Q. Yes.

27 A. Specific in my request for  
28 clarification was whether or not the Department of  
29 Transport was fully responsible for pilotage, and  
30 whether or not the Lakehead Harbour Commissioners





1 had any jurisdiction over pilotage within our area.  
2 Now, when I asked about jurisdiction, I am speaking  
3 specifically of discipline, operating procedures  
4 of the pilots. I am not speaking of things that  
5 come within our control such as we talked about  
6 yesterday, if a pilot was speeding or something  
7 like this and we charged the vessel, whether the  
8 pilot was responsible or the master and owners.

9 This was clarified in this letter.

10 Q. In other words, this letter  
11 concerned the advice you had already been given  
12 that the Department of Transport had full authority  
13 and that you should not get involved in pilotage?

14 A. Yes.

15 Q. Would you examine the document I  
16 am now showing you and tell me what it is?

17 A. Late in 1962 there were suggestions  
18 made by certain people that vessels were not using  
19 pilots coming in to the Lakehead.

20 We were contacted by Alan Cumyn and asked  
21 whether or not as a courtesy we could set up some  
22 procedure whereby we could advise him whether or  
23 not a pilot was aboard a vessel either coming in,  
24 going out or during a move at the Lakehead.

25 We advised Mr. Cumyn that in view of the  
26 fact the Department was fully responsible for  
27 pilotage, we did not feel we should be involved in  
28 this. However, as a straight courtesy we would  
29 act as, if you want to use the expression, mailman,  
30 and we would deliver a form to the vessel on its





1 arrival which the master could complete and on  
2 leaving the port we would pick up the form from the  
3 master and convey it to both the Pilotage Association,  
4 local dispatcher and to the Department. Simply as a  
5 courtesy to the Department.

6 Q. In other words you did not want  
7 to get involved again?

8 A. That is correct.

9 Q. What did the form actually re-  
10 quire? Would you give us a brief outline? What  
11 was the purpose?

12 A. The name of the vessel, country  
13 it is registered in, name of the master, number of  
14 the master's B certificate or the B certificate  
15 aboard, if there was no licence, and the name of  
16 the pilot en route to the Lakehead, the name of  
17 the pilot used during shifts or moves within the  
18 harbour, and the name of the pilot when clearing the  
19 Lakehead.

20 Q. For how long were these forms  
21 by way of reports used in your harbour?

22 A. I am not sure of the date in 1962.  
23 I believe we started around the middle of October,  
24 or in that period of time and for the balance of the  
25 season in 1962, and all of 1963. During the past  
26 few months the Department have advised us that they  
27 are no longer interested in this and ---

28 Q. For 1964?

29 A. In 1964 it will be stopped.

30 Q. But throughout 1963 the form was





1 filled in by every ship?

2 A. Entering the harbour.

3 Q. And forwarded by your office to  
4 the Department of Transport in Ottawa?

5 A. Also a copy to the dispatcher.

6 MR. BRISSET: Would you file  
7 this form as Exhibit?

8 THE SECRETARY: Exhibit 1087.

9  
10 EXHIBIT NO. 1087: Form to be completed by  
vessels entering the Lakehead.

11 Q. Did you keep a copy of this form  
12 with your own records?

13 A. Not as a record, we did not.

14 Q. What do you mean "not as a record"?  
15 How did you keep it, then?

16 A. Well, what I mean by that, I  
17 wouldn't want to say we have a complete file. It  
18 was strictly a courtesy operation.

19 Q. But you kept some of these reports?

20 A. Some we have copies of.

21  
22 COMMISSIONER SMITH: My lord, I  
23 would like to ask the witness a question to clear  
24 up in my mind an answer he gave to Mr. Brisset's  
25 question yesterday asking his opinion as to the  
26 Commission's taking over the control of pilotage  
27 in the District, in your area.

28 My understanding of your answer  
29 was that it would be economically disastrous for  
30 your Commission because you would not be able to





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1 get enough revenue to pay the going expenses. Am  
2 I correct in that?

3 THE WITNESS: I believe I added  
4 "under present legislation".

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1 COMMISSIONER SMITH: My question is this:

2 If the economic aspect of the situation is looked  
3 after by some other way, through Ottawa or in some  
4 other manner, and not levied or charged to the  
5 Commission, what would your judgment be about the  
6 Commission taking over the operation of pilotage?

7 THE WITNESS: We are making suppositions  
8 at the moment, and this is just a supposition on my  
9 part. I am speaking personally not for my Board.  
10 If we were given complete control of local pilotage;  
11 in other words, we looked after it ourselves without  
12 any interference from anyone else as far as dis-  
13 cipline, the hiring of people, the type of people  
14 we have, and so on, I believe it could work. But  
15 it certainly would not work under present legisla-  
16 tion where either you are using two pilots at times  
17 or vice versa. We have to retain men who maybe  
18 handle only half the operation or three-quarters  
19 of the operation; it is hard to say. This all  
20 depends on the vessels, whether they have B certifi-  
21 cates, and so on.

22 COMMISSIONER SMITH: I have just one  
23 more question. You say it would work. Is it your  
24 opinion that it would work better or more satis-  
25 factorily than the present setup?

26 THE WITNESS: Once again we will go back  
27 into history. I believe I said yesterday that in  
28 the initial stages there were many problems, especial-  
29 ly 1959, 1960, 1961. At that time I would have  
30 said Yes. During the past year the system seems to





1 be working fairly well. Whether we can improve  
2 on it, I do not know, to be very honest. It has  
3 worked well during the past season. At least, the  
4 information that I have, the complaints that I have  
5 received have been very, very few and the information  
6 I have is that it has worked well.

7 COMMISSIONER SMITH: Thank you.

8 THE CHAIRMAN: Did I understand you well  
9 yesterday when you said that there were three pilots  
10 stationed at the Lakehead?

11 THE WITNESS: When we say three pilots  
12 are stationed there, they headquarter at the Lakehead.  
13 Once again this depends on the number of vessels,  
14 and so on. There are times when two of them are  
15 going across the lake with a vessel, but they return  
16 to the Lakehead.

17 THE CHAIRMAN: When there is no pilot  
18 available at the Lakehead and you have to make  
19 movages, what happens? Maybe Mr. Lucky is going  
20 to be the one to tell us that; I do not know.

21 THE WITNESS: The Pilotage Association  
22 in the one instance which was questioned supplied a  
23 man from Duluth. There was a complaint, of course,  
24 on the charge.

25 THE CHAIRMAN: Yes, that is what I am  
26 leading up to.

27 THE WITNESS: But basically the opera-  
28 tion over the last twelve months has been such that  
29 we have not been in that position.

30 THE CHAIRMAN: I see.





1 THE WITNESS: However, if the situation  
2 did reach a point where we were in that position,  
3 there are, as I understand it and as I have been  
4 advised, certain things within the legislation where  
5 the Department will say that the vessel may move  
6 without the pilot or with the help of somebody  
7 locally in the one instance only.

8 THE CHAIRMAN: Do you like the possi-  
9 bility of an ocean vessel moving without a pilot  
10 within the limits of your harbour? Do you like  
11 that?

12 THE WITNESS: No.

13 THE CHAIRMAN: Would you be pleased if  
14 that permission be given very often?

15 THE WITNESS: No.

16 THE CHAIRMAN: Would it not be better  
17 that it not be given at all and that a service be  
18 provided?

19 THE WITNESS: I think that there are  
20 certain times and certain conditions where it can  
21 apply. By the same token pilotage has been dis-  
22 cussed at great length, of course, and there has  
23 been the attitude that instead of three pilots at  
24 the Lakehead there should be ten. I will be very  
25 frank and say that I do not believe there is enough  
26 traffic at the Lakehead to warrant more than three  
27 generally. You may hit the odd time. But can  
28 you have seven or eight men sitting around a year  
29 at a time doing nothing, receiving pay and so on?  
30 Once again you get back to the whole economics of the





1 operation.

2 THE CHAIRMAN: What is the reason for  
3 pilotage in your harbour?

4 THE WITNESS: There are two reasons.  
5 One is that legislation requires it.

6 THE CHAIRMAN: Yes. Well ---

7 THE WITNESS: Secondly, as I understand  
8 it -- and once again I am not a master mariner --  
9 but there has grown up over a long period of time --  
10 actually, as I understand it, thousands of years --  
11 the idea that masters who do not know the par-  
12 ticular port will use a pilot, and it is strictly  
13 a safety item.

14 THE CHAIRMAN: In any one of the en-  
15 trances to the harbour if there was a major disaster  
16 there, that would give you some trouble, would it  
17 not?

18 THE WITNESS: That is correct.

19 THE CHAIRMAN: You just mentioned that  
20 there was a complaint about when the pilots were  
21 called from Duluth. Could you outline what is this  
22 complaint?

23 THE WITNESS: The complaint basically  
24 got down to, we are a Canadian port; this is a  
25 Canadian operation; why do we have to go to another  
26 country to hire a man to fulfill the Canadian  
27 regulations and pay that man in the coin of the  
28 foreign country?

29 THE CHAIRMAN: Yes. I was wondering  
30 whether it was not a question of two movages or





1 three movages being done by the same man in your  
2 harbour and travelling time being charged every time,  
3 or detention time?

4 THE WITNESS: Well, there is a charge  
5 made every time, but there has been no complaint on  
6 this. The legislation covers it. When I say  
7 there is a complaint, we have had nothing officially  
8 from anyone in the way of a complaint. There are  
9 many people on the street, as it were, who say that  
10 the vessel moves three times within the harbour and  
11 he moves in the same day and he is charged three  
12 times and it is an awful charge, and so on.

13 THE CHAIRMAN: Three times the detention,  
14 not the movage -- the movage charge but on top of  
15 that he is charged detention for the pilot?

16 THE WITNESS: Could be.

17 MR. PRISSET:

18 Q. Mr. McCuaig, are you also inter-  
19 ested in the economics of the operation in so far  
20 as the ship is concerned, or do you not care what  
21 it costs the ship in pilotage to come to your harbour?

22 A. You have a two-pronged question  
23 there and I can give you a two-pronged answer.  
24 First off, we are very interested because we believe  
25 that costs will eventually determine the amount of  
26 business that will come through the harbour.  
27 Secondly, where rates have been negotiated with the  
28 shipping companies, with the Pilotage Association,  
29 and they have been accepted, it is awfully difficult  
30 for us as a public body to enter in and try to break





1 or even discuss the rates which have been settled  
2 between the two parties.

3 Q. You are under the impression that  
4 the pilotage rates in your harbour are discussed  
5 between the parties and not imposed on ocean ships;  
6 is that right?

7 A. That is my understanding. I  
8 will go further and say that it is my understanding  
9 that for instance the Shipping Federation have  
10 agreed to these rates. This is my understanding;  
11 this may be incorrect.

12 Q. I have one other question.  
13 Assuming again -- and forget legislation for the  
14 moment -- that you had control of pilots in your  
15 harbour, would you send them across Lake Superior  
16 on cruises?

17 A. We cannot very well leave legis-  
18 lation out of it because our jurisdiction ---

19 Q. I know you have legislation always  
20 on your mind but I am asking you to forget it at  
21 the moment.

22 MR. LALONDE: What does my friend  
23 mean by "cruises"? Is he providing passenger boats  
24 now?

25 MR. BRISSET:

26 Q. Cruises across the open waters of  
27 Lake Superior on board ocean vessels that have no  
28 B certificates?

29 A. Well, you are detailing an answer  
30 I gave you earlier in which I said that we are concerned





1 within our jurisdiction and when you start talking  
2 the open lake you are outside our jurisdiction. If  
3 we employed a person we certainly would not employ  
4 outside our jurisdiction.

5  
6 CROSS-EXAMINATION BY MR. JACQUES:

7 Q. Have you any idea of the salaries  
8 paid to Canadian pilots in your District?

9 A. These rates were published at the  
10 time the competitions were held. I am not sure of  
11 the exact figure.

12 Q. I believe it is in the vicinity  
13 of \$11,000 a year?

14 A. I had a figure of between eleven and  
15 thirteen; it is somewhere in that range.

16 Q. Can you tell us roughly how many  
17 pilots are on standby at the Lakehead throughout the  
18 year, two or three or four? I imagine it varies  
19 but normally how many pilots would you have available  
20 at the Lakehead?

21 A. I would say that the bulk of the  
22 time there are two men available.

23 MR. JACQUES: Two men available;  
24 thank you.

25 THE CHAIRMAN: Excuse me; those  
26 two men are they Canadians or Americans?

27 THE WITNESS: Canadians.

28 MR. JACQUES:

29 Q. Have you any idea of the total  
30 revenue made out of pilotage services rendered at





1 the Lakehead?

2 A. No, sir.

3 Q. You have not? Let us suppose  
4 for a moment that under the present setup the  
5 revenue from services performed at the Lakehead is  
6 not sufficient to pay the expenses of providing the  
7 service -- that is, the salary of the two pilots  
8 and also dispatching expenses. Where do you think  
9 that this deficit, or how do you think that this  
10 deficit is covered?

11 A. You are asking me a question of  
12 detailed operations of the Department of Transport  
13 on which I have no answer. I do not know.

14 Q. Would it be fair to say that these  
15 pilots are maintained at the Lakehead if they are  
16 American at the expense of the American pool and if  
17 they are Canadian they are maintained by the Crown,  
18 because the Crown pays the salary? Would that be a  
19 fair assumption?

20 THE CHAIRMAN: I think the witness does  
21 not know.

22 THE WITNESS: I do not know.

23 MR. JACQUES:

24 Q. I am asking you if it would be  
25 a fair assumption?

26 A. You are getting into something  
27 pretty deep. You are asking me for an assumption  
28 on one part of the operation, and I do not know.  
29 You can assume that, but it could be completely  
30 wrong and I have nothing to base this on for an





1 assumption.

2 Q. If this deficit in operation  
3 were recovered out of the pool it would mean that  
4 the pilots in general and shipping in general, which  
5 pays the expenses of the pool, would be covering a  
6 deficit of your pilotage service at the Lakehead?

7 A. You would assume this.

8 Q. Is your Harbcur Commission a  
9 member of the Canadian Ports Association? I have  
10 not got the name right, but I believe there is such  
11 a ---

12 A. The Ports and Harbours Association.

13 Q. Are you a member of that Associa-  
14 tion?

15 A. Yes, we are.

16 Q. Are you a member of the Inter-  
17 national Association of Great Lakes Ports?

18 A. We are.

19 Q. Have you attended any of their  
20 meetings?

21 A. Yes; not all of them. I have  
22 attended several of their meetings.

23 Q. During the course of, say, in the  
24 past five years since 1958 are you aware that the  
25 problems of Great Lakes pilotage were discussed  
26 at any of the meetings of these two organizations?

27 A. Yes.

28 Q. Would you tell us about the con-  
29 clusions reached, if any, at these meetings?

30 A. Generally -- and once again I am





1 speaking personally -- this is not a viewpoint of  
2 the Associations.

3 Q. Oh, yes.

4 A. Generally there are a great number  
5 of rumours which are kicked around at the meetings  
6 without any real documentation of acts taking place  
7 or the facts happening. Generally the ports are  
8 of the same opinion as ourselves. We are concerned  
9 about charges -- whether or not the charges which  
10 we understand are being considered will eventually  
11 put the Great Lakes ports at a disadvantage as far  
12 as use is concerned. But there has been no docu-  
13 mentation or no real facts brought out at these  
14 meetings.

15 Q. Was at any time a stand taken  
16 as regards pilotage? Are these Associations for  
17 or against pilotage?

18 A. Specifically I must speak of the  
19 International Association of Great Lakes Ports and  
20 specifically I am speaking as a Canadian.

21 Q. Yes.

22 A. This Royal Commission was appointed,  
23 if I remember correctly, about a year and a half ago.  
24 Going back to that time, generally the Canadian ports  
25 have taken the stand that they wish to see the re-  
26 sults of this Royal Commission and see what the  
27 facts are that are brought out in the testimony  
28 and so on before they make any commitment on any-  
29 thing.

30 Q. I see.





1 A. As far as your American ports  
2 are concerned, we are talking American legislation  
3 and I am lost. I just do not know the legislation.

4 Q. It is your feeling that these  
5 two Associations ---

6 A. I have spoken specifically of the  
7 Internationals.

8 Q. The International Association is  
9 awaiting the end of the hearings before submitting ---

10 A. I said the Canadian members were  
11 awaiting the hearings.

12 Q. Before submitting anything to the  
13 Commission.

14 A. The Canadian members are awaiting  
15 the hearings before submitting anything specifically  
16 to the Association.

17 Q. Tell me, within the Association  
18 you referred to Canadian members; are Canadian members  
19 an official group within the Association? Is there  
20 some sort of Canadian committee and American com-  
21 mittee or Canadian executive and American executive,  
22 or is it just an informal grouping of the Canadians?

23 A. It is an informal grouping.  
24 Officially, if I remember correctly -- and I may be  
25 wrong in my figures -- there are seventeen American  
26 ports and three Canadian ports involved in the  
27 Association.

28 The Canadians are given full recognition  
29 in the election of directors and officers of the  
30 Association. They have tried to alternate the





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1 presidents largely between the Canadians and the  
2 Americans. If the president is an American member,  
3 he heads up what is known as the American Committee  
4 of the Association and usually the vice-president  
5 in that case is a Canadian and he heads up what is  
6 known as the Canadian Section.

7 MR. JACQUES: The Canadian Section?  
8  
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1 COMMISSIONER SMITH: Do you have  
2 membership in the American Association of Port  
3 Authorities?

4 THE WITNESS: We don't.

5  
6 CROSS-EXAMINATION BY MR. LALONDE:

7 Q. I think you answered a question  
8 to his lordship by saying that there might be de-  
9 tention charged to the vessel sometimes in Fort  
10 William and Port Arthur; is that correct?

11 A. That is what I have heard; but,  
12 once again, I am under oath and some of these things  
13 I can't prove.

14 Q. You are not sure whether there is  
15 any detention charged or not?

16 A. I have heard that.

17 THE CHAIRMAN: Mr. Lucky, perhaps,  
18 will be a little more competent to answer that.

19 MR. LALONDE:

20 Q. You said you had complaints for the  
21 years previous to 1963, and I think you went as far  
22 back as 1958-59, which you mentioned. I understand  
23 that previous to 1961 this was a private operation.  
24 Did you have complaints also at that time?

25 A. I believe I said yesterday that  
26 it was my understanding that prior to 1961 it  
27 operated as a private enterprise. I did not start  
28 with the Commission until 1961. So it is strictly  
29 hearsay.

30 Q. Because there is a letter in





1 Exhibit 1058, which you have submitted, a letter by  
2 Mr. Stead to yourself, dated September 27, 1961,  
3 where the second paragraph seems to imply that you  
4 had, or your Authority, had made some representations  
5 or complaints?

6 A. Right.

7 Q. Do you remember anything to that  
8 effect?

9 A. Once again we have got to talk of  
10 one specific time. We are talking of the year 1961.  
11 I said yesterday that in 1961, at the opening of  
12 navigation, the Department of Transport registered  
13 the two pilots who were employed by the shipping  
14 agent who was running it on private enterprise up  
15 to that time; and the agent acted, I understand,  
16 on behalf of the Department of Transport until the  
17 time the Department of Transport had time to insti-  
18 tute legislation and tried to call competitions,  
19 etc., and set up for that; and this letter refers  
20 specifically to 1961.

21 Q. Yes; and what complaint did you  
22 have in 1961 before the government set up its own  
23 operation, as one might say, under the national  
24 agreement?

25 A. The complaints specifically were  
26 that a shipping agent was running a pilotage organi-  
27 zation to the disadvantage of other shipping agents;  
28 and basically all of the complaints surrounded this  
29 particular entity.

30 In other words, the complaint





1 would come through that shipping agent "A" couldn't  
2 get a pilot and was made to wait for three days  
3 because shipping agent "B" actually ran the pilot  
4 service and gave himself first consideration. He  
5 put agent "A" or agent "C" at a disadvantage because  
6 he made them pay exorbitant rates to offset his own  
7 costs.

8 These were all rumours, and when  
9 you wanted to document cases nobody wanted to say  
10 anything.

11 Q. But these were complaints made to  
12 you during 1961?

13 A. Of that type.

14 Q. You had several such complaints  
15 at the time?

16 A. Not so much from the agents as  
17 from outside people; not from the shipping people,  
18 from other people.

19 Q. But which other people could com-  
20 plain that agent "B" was discriminated against in  
21 favour of agent "A" if not agent "B" himself?

22 A. Mr. Smith has a submission which  
23 he read yesterday from a stevedoring operator who,  
24 I don't believe, would know the cost of pilotage  
25 service and anything else. There are statements  
26 made therewhich are pretty hard to back up. It was  
27 this type of thing.

28 COMMISSIONER SMITH: That letter  
29 was written some considerable time ago.

30 THE WITNESS: I am aware of that.





1 COMMISSIONER SMITH: In September,  
2 1962.

3 THE WITNESS: Yes.

4 MR. LALONDE:

5 Q. And did you check with the other  
6 agents? Was there any dissatisfaction among other  
7 agents at the Lakehead about the service at the time?

8 A. There were only two agents.

9 Q. Was the other agent complaining?

10 A. Yes.

11 Q. He was?

12 A. Yes.

13 Q. Now, isn't it fair to say that  
14 since Captain Mann or Mr. Mann lost his private  
15 service -- his private pilotage service -- he is the  
16 one who has been making complaints?

17 A. I heard complaints in 1962, but  
18 not in 1963.

19 Q. But isn't it a fact the man who  
20 was complaining in 1962 was Captain Mann who had  
21 lost the services?

22 A. He had one complaint that there  
23 wasn't a man available at a particular time. I know  
24 of only one complaint he put forward.

25 Q. Did you have similar complaints  
26 from the other agents?

27 A. Yes. This was the point that  
28 was brought out earlier about the high charge when  
29 the man had to be brought to Duluth.

30 Q. Now, so far as you know you had





1 only one complaint from Mr. Mann during 1962?

2 A. We didn't have the complaint. It  
3 was directed to the Association, the Shipping  
4 Federation and, I believe, the Department of Trans-  
5 port.

6 Q. Now, in your operation I understand  
7 that you don't have what you would call a regular  
8 flow of ships at the Lakehead?

9 A. No.

10 Q. That is to say, you might have many  
11 ships in one week and next week not have a single  
12 ship, maybe; is that correct?

13 A. That is correct.

14 Q. Isn't it a fact that some weeks  
15 when you have a sudden influx of ships you need more  
16 than two men to cope with the number of ships in  
17 the harbour at the Lakehead?

18 A. Once again we are making supposi-  
19 tions on conditions. If we had twenty vessels in  
20 the port now we would need twenty men. There is no  
21 question about that.

22 Q. Do I understand that you are not  
23 aware of exactly what happens when you have a sudden  
24 influx of ships? Perhaps I should direct my  
25 question to Mr. Lucky.

26 A. I think Mr. Lucky should answer  
27 that question because I have no specific information  
28 in this particular regard.

29 Q. Would you say that, all told, it  
30 is preferable if you can rely upon a kind of pool of





1 pilots for sudden emergency in this particular port?

2 Even at the cost of paying travel-  
3 ling expenses once in a while, in order to provide the  
4 service rather than have full-time men -- a sufficient  
5 number -- to cope even with the emergencies at the  
6 Lakehead.

7 A. Well, we are getting back  
8 to economics, and it depends on what business you  
9 are in and whether you are making money or not. I  
10 would say that it would.

11 Q. I notice that in answer to my  
12 friend Mr. Brisset you stated that the report quoted  
13 was factual, but later on you said, when I referred  
14 to the allegation that there had been several com-  
15 plaints, or that you said that you had heard several  
16 complaints, you stated that there was only one com-  
17 plaint?

18 A. He asked me if the report was  
19 factual and I said Yes; but there was only one  
20 complaint that we discussed.

21 Q. But it is stated here "In many  
22 instances expenses of pilotage exceeded the actual  
23 pilotage . . .". Is that the point where you said  
24 you had only one case, not "many instances" as re-  
25 ported in this report?

26 A. That is correct.

27 Q. You also stated that you had a  
28 meeting with two representatives of the Department  
29 of Transport. Your report seems to imply that  
30 Captain Matheson was also present at that meeting.





1 Do you remember Captain Matheson being present?

2 A. It is quite possible he was in  
3 the office at the time. I think I said this, that  
4 I did not attend the meeting as outlined in the  
5 report; that is, the list of people which was read.

6 Q. Yes?

7 A. As I remember it, the Department  
8 of Transport representative -- I am not even sure  
9 who it was -- I believe it was Alan Aumyn and  
10 Captain Findlay, the Port Warden; Captain Matheson  
11 might have been along with them. This was strictly  
12 a courtesy call, remember.

13 Q. I think you stated yesterday  
14 that you had something between one hundred and forty  
15 and one hundred and fifty ships, was it, in the  
16 harbour? Is that it -- per year?

17 A. Yes.

18 THE CHAIRMAN: Are there any  
19 further questions?

20 MR. MASON: Ocean ships you are  
21 referring to?

22 THE WITNESS: That is specifically  
23 ocean ships we are referring to.

24 THE CHAIRMAN: Thank you, Mr.  
25 McCuaig.

26 THE WITNESS: My lord, I don't  
27 know whether this would be of any importance or not,  
28 but Mr. Smith has asked me, I believe, twice a  
29 question, and I don't know whether I am clear in my  
30 answer or not.





1           The question specifically was whether  
2           or not the Lakehead Harbour Commissioners could handle  
3           pilotage at the rate set.    I may have not been too  
4           clear.    I said that under the present legislation  
5           we couldn't; but, as a supposition, there is no  
6           reason in my mind why local pilotage couldn't be  
7           handled by the Commission, without getting into all  
8           the details of costs, etc.    But there is no question  
9           but what it would be workable.

10           But I want to get across specifically  
11           that under present legislation we have been told  
12           emphatically that we are breaking the law if we enter  
13           into this, No. 1; and, No. 2, we don't wish to enter  
14           into something where there are two of us competing,  
15           with the Board of Transport competing with our-  
16           selves.    This is a sort of ridiculous situation.

17           Mr. Smith asked the question specifically,  
18           I believe, whether or not we should handle pilotage.  
19           If conditions were such within our own jurisdiction --  
20           it is the old story; anything can be done if you  
21           wish to do it.

22           COMMISSIONER SMITH:    The question  
23           should have been prefaced by the statement that all  
24           the necessary changes in the legislation had been  
25           made and there wouldn't be any competing elements  
26           and there would certainly be only one pilotage  
27           authority in the district; the other one would have  
28           to be eliminated.

29           THE WITNESS:    Yes.    Well, there have  
30           been a number of rumours, you know, again, that the





1 Commission should be running a pilotage group in  
2 addition to the present group.

3 COMMISSIONER SMITH: No.

4 THE WITNESS: We can't agree with that.

5 COMMISSIONER SMITH: My question wasn't  
6 based on that premise at all. It was on the  
7 elimination of all other authorities.

8 THE WITNESS: Well, if all other authori-  
9 ties were eliminated, without going into details  
10 and without investigating it fully, I would say  
11 generally that anything can be made to work. The  
12 economics would have to be investigated fully, and  
13 so forth.

14 MR. LALONDE: And I understand it is a  
15 fact that you haven't made any economic studies of  
16 this?

17 THE WITNESS: No.

18 THE CHAIRMAN: Are there any further  
19 questions?

20 Thank you, Mr. McCuaig.

21 MR. JACQUES: My lord, the representa-  
22 tive of the Oshawa Harbour Commissioners is now  
23 available, and since he has an urgent appointment  
24 this afternoon I propose that we hear him now.

25 THE CHAIRMAN: That is quite all right.  
26  
27  
28  
29  
30





FRED MALLOY, sworn

THE SECRETARY: What is your occupation,  
Mr. Malloy?

THE WITNESS: Member of the Ontario  
Research Foundation.

THE SECRETARY: And with respect to  
the Oshawa Harbour Commission . . . ?

THE WITNESS: Chairman.

DIRECT EXAMINATION BY MR. JACQUES:

Q. Mr. Malloy, we have already filed  
the law with reference to Oshawa Harbour and also  
the bylaws. I notice that this law was assented  
to on the 9th of June, 1960. How long have you  
been in office for the Harbour Commission?

A. I believe I was the first member  
appointed to the Commission, and I became Chairman  
around the 1st of November, 1963.

Q. Did you know the administrative  
setup of Oshawa Harbour before the particular statute  
applied to the harbour?

A. Yes; I believe it was considered  
as a public harbour and came under the jurisdiction  
of the Department of Transport who employed a  
Harbour Master part-time and a Wharfinger part-time.

Q. Are you in a position to tell us  
the reason behind this new legal structure -- what  
prompted the government -- parliament -- to adopt  
this special statute for Oshawa?





1 A. I believe there was some definite  
2 thinking that further business in perhaps sizeable  
3 quantity would develop in the area. As you may  
4 recall, Oshawa is the centre of General Motors of  
5 Canada for all of their manufacturing in Canada.  
6 There are other industries near by of a sizeable  
7 nature already established and becoming established  
8 which could use this harbour.

9 Q. That was the purpose of creating  
10 a Harbour Commission?

11 A. It is my understanding that that  
12 was the purpose, and in order to more closely control  
13 the administration of the harbour by a local Harbour  
14 Commission.

15 Q. The Commission wrote to you  
16 putting a series of questions, the answers to which  
17 I should like you to give now. The first question,  
18 the harbour limits are given in Section 4 of the  
19 Statute 8-9 Elizabeth II, Chapter 21, which is  
20 your statute applicable to the Harbour Commission,  
21 so I do not think we need deal with this problem  
22 any longer. You have appointed a Harbour Master,  
23 have you not?

24 A. We have continued with the same  
25 Harbour Master who was appointed and served the  
26 Department of Transport for approximately twenty-  
27 four years.

28 Q. I see. Has he had previous  
29 sea experience?

30 A. No, he has not.





1 Q. As a matter of fact, what does  
2 he do? I don't want you to read the bylaws, but  
3 I want to know what he does in fact?

4 A. I think we can provide that.  
5 Since he is, I believe, sixty-eight years old, a  
6 number of his duties are taken over by the wharfinger  
7 who is younger and more active. Principally the  
8 Harbour Master is responsible for the collection of  
9 harbour dues and has the responsibility to see that  
10 the approach and the basin are kept clear at all  
11 times and for general supervision. This is a part-  
12 time occupation. He lives nearby.

13 Q. Does he allot berths to the ships  
14 coming in?

15 A. Yes, he does. That is a joint  
16 responsibility. The wharfinger may do this also.  
17 He is gradually assuming the duties of the Harbour  
18 Master.

19 Q. I show you Exhibit 1087, which  
20 is a plan of the Department of Public Works of  
21 Canada, showing the harbour of Oshawa. Would you  
22 show us on this harbour the wharves which are in use,  
23 pointing out the public wharves or wharves owned  
24 by the Commission, and also wharves which may be  
25 privately owned?

26 A. There is here ---

27 Q. When you say "here" you indicate  
28 the west channel?

29 A. West channel there is tie-up  
30 space here for one vessel. Again on the south of





1 the basin there is docking space for one vessel.

2 Q. Are these wharves owned by your  
3 Commission?

4 A. Yes.

5 Q. I see.

6 A. I am referring here to Great  
7 Lakes vessels only.

8 Q. Yes.

9 A. And the restriction is due to  
10 depths, and the fact that unloading would be bulk  
11 solids and liquids. There is docking berth space  
12 here for two vessels.

13 Q. Again you indicate the west harbour  
14 wall?

15 A. Yes.

16 Q. Yes, for two vessels?

17 A. For two vessels. That in total  
18 makes four, and these are vessels of a draught which  
19 plies the Great Lakes internally; not seagoing.

20 Q. I see.

21 A. There is a new berth here which  
22 would handle possibly seventy per cent of any vessels,  
23 any ocean-going vessels, plying the Seaway.

24 Q. And this is the east harbour wall?

25 A. Yes. The length of that dock  
26 would be 520-some feet more or less.

27 Q. And this is where deep sea ships  
28 will tie up?

29 A. Yes. That dock has just been  
30 completed last November.





1 Q. I see.

2 A. We are presently undertaking a  
3 promotional campaign for attracting Seaway business  
4 to what we call east harbour, this dock and the areas  
5 behind it, and it apparently is being very success-  
6 ful; more so than we had dreamed.

7 Q. Would you have figures of traffic  
8 with you? The number, say, of arrivals and de-  
9 partures of deep sea ships particularly?

10 A. Since until last November we did  
11 not have draught for deep sea vessels, I believe  
12 the arrivals and departures in the last three years  
13 when I have been associated with the Commission  
14 might number four.

15 Q. Four deep sea arrivals and de-  
16 partures?

17 A. Yes. We have already scheduled  
18 for deep sea vessels to arrive at the opening of the  
19 season this April, however, now that we have  
20 facilities, and this is becoming most interesting.

21 Q. Now, in all your plans to promote  
22 trade in your harbour, have you given any thought to  
23 pilotage in the harbour?

24 A. Yes, we have. However, there is  
25 the point that the approach is very straightforward.  
26 From the drawing you will notice that it is a  
27 relatively small basin and harbour. There are no  
28 hazards whatsoever. Our sounding charts are  
29 accurate. The depth is quite adequate on the west  
30 side for Great Lakes vessels and is now quite adequate





1 for any type of vessel which we are planning to  
2 engage in business with this season in the way of  
3 size, plying the ocean.

4 I think I am in order in stating there  
5 are no hazards whatsoever. Therefore, a skipper  
6 having a B certificate would not need a pilot.

7 However, we have arrangements made whereby  
8 a pilot can be obtained on relatively short notice  
9 from three different points, and our wharfinger has  
10 a portable Bell Telephone system in his car, and  
11 he can hook on to the marine telephone system, and  
12 this is arranged to be available to us starting the  
13 1st of April, and he can talk to any anticipated  
14 vessels on fast notice with regards to procedures  
15 or the need for a pilot.

16 Q. I see. You just said you could  
17 obtain pilots from three different points. What  
18 are they?

19 A. If a vessel is approaching from  
20 the east, it would be Wolfe Island we would expect  
21 him to pick him up. If from the west, Port Weller.  
22 We are looking for export business principally  
23 rather than import, and many vessels that would  
24 pick up export at Oshawa Harbour would be coming  
25 from Toronto, and can again pick up a pilot from  
26 Toronto here and bring him along if required, so  
27 the situation is well covered.

28 Q. When you use the word "pilots"  
29 did you mean registered pilots as there are in the  
30 Great Lakes basin?





1 A. Yes, sir.

2 Q. Do you know of the experience of  
3 Toronto harbour with their own pilots? Are you  
4 aware that they have their own pilots?

5 A. Yes, I do, but I am not very  
6 familiar with it.

7 Q. Has your Commission given any  
8 thought to having its own pilots?

9 A. No, not yet.

10 Q. Not yet?

11 A. We would not in any way be able  
12 to justify one as yet.

13 Q. Not as yet? And with the foreseen  
14 deep sea traffic for this year or for the coming  
15 years, have you discussed the thought of having your  
16 own pilots?

17 A. No, we have not. We have felt  
18 with the three points available and the possibility  
19 of a skipper having -- the probability of a skipper  
20 having a B certificate or better might cover that  
21 for this year. However, we do have an application  
22 from a retired naval captain living within four miles  
23 of Oshawa harbour who has indicated that he is  
24 eligible for appointment as a pilot if at any time  
25 we want one; that he would apply, and that his  
26 qualifications would entitle him to be considered.  
27 That is being kept in reserve.

28 Q. Have you investigated this man's  
29 qualifications further?

30 A. Only briefly. They would, on a





1 preliminary investigation appear satisfactory.

2 Q. Would you know what certificates  
3 he holds?

4 A. This investigation was several  
5 months ago. I would hesitate to recall.

6 Q. Was he a lake master?

7 A. No, an ocean captain.

8 Q. You said a naval captain. Was he  
9 on American ships or RCN ships?

10 A. RCN.

11 Q. RCN ships?

12 A. Yes.

13 Q. Are there any tugs available?

14 A. We don't keep one available in  
15 Oshawa Harbour because except in a case of emergency,  
16 which we have yet to see in the last three years,  
17 it would not warrant supporting one.

18 However, MacNamara Construction are  
19 located three and a half miles from Oshawa Harbour  
20 and they have two tugs readily available, and we  
21 are in contact with them by telephone.

22 Q. I see.

23 A. And an arrangement has been set  
24 up.

25 Q. The second part of question C  
26 in our letter of February 7th, concerns radiotelephone.  
27 I believe you said a word about the use of radiotele-  
28 phones a moment ago?

29 A. I mentioned that our wharfinger  
30 has a Bell phone in his car. He is able, through





1 the Bell System, to hook on to the marine telephone  
2 service which already exists, and he can talk to the  
3 captain of any vessel which is approaching or  
4 planning to approach.

5 Q. I see.

6 A. And this is being used already in  
7 rough weather with the type of traffic we have had  
8 in the last two years.

9 Q. Has it been found satisfactory?

10 A. Yes, it has.

11 Q. The next question concerns acci-  
12 dents to port installations. Have you prepared  
13 notes on that point?

14 A. They are very brief, sir. In the  
15 last five years there have been none of the nature  
16 described in your question. However, there have  
17 been some minor ones which are too insignificant to  
18 mention.

19 Q. And the second question concerns  
20 your attendance at ship inquiries?

21 A. Yes. We have not had any casual-  
22 ties so we have not yet been called to attend. But  
23 there are four different parties available, one of  
24 whom could attend if called.

25 Q. Yes?

26 A. And it would be our plan to so  
27 attend.

28 Q. So you would wish, if I understand  
29 you well, to be officially present at any shipping  
30 inquiries where your harbour is concerned?





1 A. Definitely, and the representative  
2 whom we would be sending would be a lawyer with some  
3 modest marine experience.

4 Q. The next question relates to the  
5 duties of the Harbour Master. I think you have  
6 already answered that question.

7 The next one is the delays in docking  
8 and undocking vessels. Have you had such experience?

9 A. To the best of my knowledge, and I  
10 have inquired thoroughly, there are none. On one  
11 or two occasions there were very minor delays in  
12 undocking which did not result in a complaint.

13 Q. And the last question is whether  
14 pilotage services are provided within the harbour.  
15 You have already answered, I think.

16 A. No.

17 Q. By the way, your bylaws are quite  
18 similar to those of the Lakehead Harbour Commission-  
19 ers?

20 A. Yes, sir.

21 Q. Are you in close touch together?

22 A. We are in very close touch with  
23 some of the executives in the Department of Trans-  
24 port who have been of inestimable help to us as  
25 newcomers in the marine life, and I believe the same  
26 parties are in similar close touch with the Lakehead,  
27 and I believe through these three parties the  
28 similarity arose.

29 Q. Is there anything else which you  
30 would like to add?





1 A. If I can run over this briefly.  
2 You mentioned a question about dredging. If you  
3 are interested, I can reply.

4 Q. We have had evidence from the  
5 Department of Public Works. In fact, the plan is  
6 behind you. It is a plan which was supplied to us  
7 by the engineer, district engineer. You might let  
8 us have your views on dredging in the harbour.

9 A. The programmes of dredging in the  
10 last three years have been satisfactory. They have  
11 been planned with us and in accordance with our  
12 requirements. However, presently in our east  
13 harbour we are rather urgently wanting a further  
14 two feet of depth. This is perhaps our own require-  
15 ment, and its urgency arises on the somewhat greater  
16 success of our promotion campaign than we had anti-  
17 cipated.

18 We are talking with the Department of  
19 Transport and the Department of Public Works in hopes  
20 of acquiring this additional two feet of depth in the  
21 dredging programme planned for this spring, but we are  
22 doubtful whether it can be obtained until the fall.

23 COMMISSIONER RENWICK: What depth have  
24 you now?

25 THE WITNESS: Pardon me for not replying  
26 rapidly, but there are so many different ways of  
27 calculating depth -- 22.0 feet at zero gauge IGLD,  
28 and the plus gauge would be conservatively estimated  
29 at all times at 2.0 feet, giving 24.0 feet of water  
30 at the lowest mark we have encountered, and this





summer I believe we will also have 24 feet.

BY MR. JACQUES:

Q. At the entrance I believe you have 24 feet at zero gauge?

A. At the entrance and at some other places it is more. I am speaking of the bare minimum depth at the worst place. In several places it runs 24, and in a few, up to 26.

THE SECRETARY: My lord, a question: The bare minimum depth, you mean the most critical conditions?

THE WITNESS: Yes, sir.

COMMISSIONER SMITH: If your lordship pleases, before Mr. Brisset starts.

THE CHAIRMAN: Yes.

COMMISSIONER SMITH: Mr. Malloy, I am not sure whether Commission Counsel asked you this question or not. If he did, I did not catch the answer.

The Act of Incorporation of your Harbour Commissioners was June 1960, to come into force by proclamation of Governor in Council. Just what date was the Act proclaimed, do you remember? I do not mean exactly, but the month, the year.

THE WITNESS: June 9, 1960.

COMMISSIONER SMITH: Shortly after it was passed?

THE WITNESS: I am unable to answer that, sir, but I could have the exact date sent to you by tomorrow.





1 COMMISSIONER SMITH: It is not too  
2 awfully important. It was not very long after the  
3 Act was passed?

4 THE WITNESS: No; it was very quickly  
5 thereafter.

6 COMMISSIONER SMITH: That it was pro-  
7 claimed?

8 THE WITNESS: I was appointed in August  
9 and I think the proclamation might have been late in  
10 July.

11 COMMISSIONER SMITH: The Act was assented  
12 to on the 9th June, 1960.

13 I think it would be desirable for us to  
14 have in the transcript of evidence the period before  
15 and the period after the transition of a public  
16 harbour to a Commission harbour. As you mentioned,  
17 the harbour was a public harbour before the Act was  
18 proclaimed and then it became a Commission harbour.

19 Under the Act you had pretty wide powers  
20 of administering the property that was turned over  
21 to you and also any other property that might even  
22 in future be turned over to you by the Crown to  
23 be vested in the name of your Commission.

24 You also have power under the Act with  
25 the permission of the Governor in Council to alienate  
26 Crown property. I am not sure whether that exactly  
27 covers the leasing, although leasing is not mentioned  
28 in the section. It mentions rent, mortgage, sale or  
29 otherwise dispose of land.

30 I would like to get on the record this





1 situation: what facilities, if any, are still re-  
2 maining in the harbour -- wharves or any other  
3 facilities that were not transferred or taken over  
4 by your Commission, if there are any? Are there  
5 any public wharves there that are separate and apart  
6 from your Commission?

7 THE WITNESS: There are none, sir.

8 COMMISSIONER SMITH: Everything in the  
9 harbour was turned over?

10 THE WITNESS: Yes, and since that time  
11 we have purchased two smaller parcels of land  
12 totalling nine acres more or less and acquired from  
13 the City of Oshawa fifty-four acres of adjoining  
14 land.

15 COMMISSIONER SMITH: With the intention  
16 of creating harbour installations there?

17 THE WITNESS: Yes.

18 COMMISSIONER SMITH: Future protection---

19 THE WITNESS: Part of the requisitions  
20 are already under lease and bringing in revenue.  
21 We were fortunate in being able to lease them as  
22 fast as we acquired them. Others are sitting idle  
23 waiting for future expansion and business to develop.

24 COMMISSIONER SMITH: So far as your  
25 financial arrangements are concerned what is the  
26 position with regard to that? I know you get  
27 revenues through harbour imposts and leases, rental  
28 and other things. What is your financial position?  
29 Are you solvent?

30 THE WITNESS: Yes, very.





1 COMMISSIONER SMITH: Very solvent?

2 THE WITNESS: When the harbour was a  
3 public harbour I believe that the operation was at  
4 a break-even point. We are not too familiar with  
5 the history in that regard. Each of the last three  
6 years have shown a very decided improvement. I am  
7 told that we cannot communicate actual facts such  
8 as this to other than a designated member of the  
9 Department of Transport or to a nominee of the City  
10 of Oshawa, so I would ask to decline mentioning  
11 figures.

12 COMMISSIONER SMITH: Oh, I am not pressing  
13 for that.

14 THE WITNESS: But we are very satisfied  
15 with the results.

16 COMMISSIONER SMITH: It is a successful  
17 venture?

18 THE WITNESS: Yes, sir. The Commis-  
19 sioners have all been business men so we went to  
20 work.

21 COMMISSIONER SMITH: Yes. I do not know  
22 if there is anything else, unless you could supply us  
23 with something about your operation to go into the  
24 record which would help to explain and show the  
25 operation of a Commission such as yours. If you  
26 have not anything to add to the answers already given,  
27 well, forget it.

28 THE WITNESS: Well, the first step was  
29 to develop the harbour to the point where it could  
30 accommodate ocean-going vessels. That has just





1 been completed some four or five months ago at  
2 freeze-up time.

3 The terms of reference for our next  
4 type of work are to embark on a promotion campaign  
5 to develop business and to justify the installation  
6 which was made. As I mentioned previously, it  
7 appears to be succeeding better than we had antici-  
8 pated; in fact, it is becoming quite time-consuming.

9 COMMISSIONER SMITH: Thank you very much.

10  
11 CROSS-EXAMINATION BY MR. BRISSET:

12 Q. Mr. Malloy, if you were to use  
13 the services of the retired naval captain who has  
14 offered them to you, would it be on a part-time basis  
15 when his services would be needed or would he become  
16 a permanent employee?

17 A. Being somewhat unfamiliar, my  
18 Lord, I would have to inquire of the authorities in  
19 what manner he could be appointed as a pilot and  
20 would be accepted. Then it would appear that we  
21 would only require him on a very minor part-time  
22 basis.

23 Q. Mr. Malloy, when the present  
24 Harbour Master is retired -- I think you have told  
25 us that he is already sixty-eight years old -- your  
26 Commission thinks of appointing a new Harbour Master  
27 with sea experience who could do piloting work  
28 in your harbour as part of his duties whenever  
29 required?

30 A. You have stated our thoughts





1 exactly.

2 Q. The spectre of the present legis-  
3 lation has not been worrying to you in other words?

4 A. Really not, my lord.

5 MR. BRISSET: I want to wish you  
6 continuous success in your venture. Thank you.

7 THE WITNESS: Thank you.

8 MR. BRISSET: And no pilotage  
9 problems.

10 MR. LALONDE: I only want to  
11 add to my friend Mr. Brisset's comment that what  
12 he called the "spectre" should be called rather  
13 the aura of the present legislation. Certainly, I  
14 wish you so much success that your Harbour Master  
15 will be quite busy with his job and not have to do  
16 pilotage.

17 THE WITNESS: Thank you, sir, and  
18 I appreciate the distinction which you drew between  
19 the two. We are adept at dealing with both sides  
20 successfully.

21 MR. JACQUES: For the sake of  
22 the record I will read subsection (2) of Section 602  
23 of the Canada Shipping Act.

24 "No licensed pilot shall be appointed  
25 to act or shall act as harbour master or  
26 deputy harbour master of any public harbour,  
27 unless he first surrenders his licence."

28 You might look into that before you appoint this  
29 gentleman, both harbour master and pilot.

30 THE WITNEES: May I inquire, sir, whether





1 a Commission harbour comes under the terms of a  
2 "public harbour"?

3 MR. BRISSET: I do not think so.

4 THE WITNESS: We have asked that question  
5 before and the answer has been slightly ambiguous.  
6 We drew from that that we were not a public harbour.

7 MR. JACQUES: Thank you, sir.

8 THE CHAIRMAN: Thank you, Mr. Malloy.  
9 Now we shall adjourn for ten minutes.  
10

11 ---Short recess.

12 MR. LALONDE: May I ask one more  
13 question of Mr. Malloy, please?

14 THE CHAIRMAN: Yes.

15 FRED MALLOY, recalled

16  
17 FURTHER CROSS-EXAMINATION BY MR. LALONDE:

18  
19 MR. LALONDE: My Lord, I would like to  
20 produce an exhibit which does not seem to have been  
21 filed, the chart of the harbours in Lake Ontario.

22 MR. JACQUES: It is not.

23 MR. LALONDE: Canadian chart 2070.  
24 It will be number?

25 THE SECRETARY: 1088.

26 ---EXHIBIT NO. 1088: Canadian chart 2070 showing  
27 harbours in Lake Ontario.

28 (NOTE: See Page 14971)

29 MR. LALONDE:

30 Q. Mr. Malloy, on this chart there  
is a reproduction of Oshawa Harbour?





1 A. Yes, sir.

2 Q. I notice that the entrance to  
3 Oshawa Harbour is a rather narrow channel, is it  
4 not?

5 A. Yes.

6 Q. A channel which would seem to be  
7 approximately 200 feet wide?

8 A. It is 227, I believe.

9 Q. 227 feet wide?

10 A. More or less.

11 Q. And you seem to have shoals each  
12 side of this entrance to the harbour; is that  
13 correct, or shallow water?

14 A. I think shallow water would  
15 describe it more correctly, sir.

16 Q. Do you know how long is this  
17 channel? I understand this is a dredged channel?

18 A. Yes. The channel as such might  
19 be roughly perhaps -- the protective wall goes out  
20 here (indicating). I could guess but I hesitate to  
21 say officially.

22 Q. From the buoys on the outside to  
23 the end of the pier?

24 A. Yes.

25 Q. Would seem to be approximately  
26 2200 feet; is that right -- half a mile?

27 A. I was going to make a guess. I  
28 think I have heard the figure mentioned 2300 and  
29 something.

30 Q. We are pretty close.





1 A. You were very close on your  
2 measurement. But I am only recalling that from  
3 memory.

4 Q. I notice you have buoys at the en-  
5 trance to the channel and also the channel itself?

6 A. Yes.

7 Q. You have a set of range lights which  
8 would seem to help ships to get into the channel; is  
9 that correct?

10 A. That is right. Further I  
11 believe some additional lighting is being considered  
12 now on the east side because of the new installation.  
13 We have been discussing that with the Department of  
14 Public Works.

15 Q. You have two breakwater walls?

16 A. Yes.

17 Q. You mean to say this entrance  
18 to Oshawa Harbour does not present any hazards to  
19 navigation?

20 A. You have a very good point there,  
21 sir. However, we have vessels entering and  
22 docking at different times of the night and we have  
23 not had any complaints. However, I must qualify  
24 that by saying that the skippers concerned would  
25 be skippers who come regularly. Strange vessels  
26 generally enter in daylight.

27 The charts which you see here  
28 and others which we provide are quite descriptive  
29 of the layout and the fact that I mentioned there  
30 had been no accidents of the nature which the question





1 described might add to that.

2 Q. Yes. Do you have any idea about  
3 the prevailing winds?

4 A. West.

5 Q. They would be west?

6 A. Westerly, yes.

7 Q. Do you have any maritime experience  
8 yourself?

9 A. Somewhat modest.

10 Q. Have you been an officer aboard a  
11 ship?

12 A. No.

13 Q. You have a rowboat like me, I  
14 suppose?

15 A. It has been all in the amateur  
16 class.

17 MR. LALONDE: Thank you.

18 THE CHAIRMAN: Thank you, Mr. Malloy.

19 ---Witness retires.  
20

21  
22 DONALD LUCKY, sworn

23 DIRECT EXAMINATION BY MR. JACQUES:

24  
25 Q. Would you state your full name and  
26 age, please?

27 A. Donald Lucky, twenty-nine.

28 Q. You may be seated, if you wish.  
29 What is your occupation?

30 A. Customs broker.





1 Q. You are also a dispatcher at the  
2 Lakehead for pilots of District No. 3?

3 A. That is correct.

4 Q. When were you first employed as  
5 a dispatcher?

6 A. In the spring of 1962; at the  
7 beginning of the 1962 season.

8 Q. Would you tell the Commission how  
9 you came to be employed as such?

10 A. Apparently some difficulties had  
11 arisen in the pilotage operation at the Lakehead  
12 and with District 3 taking over the operation they  
13 wanted an independent party who was familiar with  
14 the scene.

15 Q. Who is "they"?

16 A. The District 3.

17 Q. The pilots or the Department?

18 A. The Pilots' Association, in order  
19 that what I understand was an antagonizing situation  
20 could be relieved. I was familiar to them, to the  
21 Administrator at that time, Mr. Svenson, and he  
22 approached me and asked if I would be interested in  
23 it. I said that I would.

24 Q. Are you able to describe this  
25 antagonizing situation which you have mentioned?

26 A. Well, I can only describe it on  
27 the basis of what I heard. The problem appeared to  
28 be that one agent was running the pilotage service  
29 and was not providing the pilots to the other agents  
30 when and as requested if he had a movement of his own





1 to accommodate. This is not based on my own per-  
2 sonal factual knowledge.

3 Q. This is what you have heard?

4 A. This is what I have heard.

5 MR. LALONDE: Who is Mr. Svenson?

6 THE WITNESS: Mr. Svenson was the  
7 manager of the District 3 operation in 1962 and as I  
8 understand it, in 1961, when it was formed.

9 MR. LALONDE: Is he a Canadian  
10 or an American?

11 THE WITNESS: He is an American.

12 THE CHAIRMAN: In Duluth?

13 THE WITNESS: In Duluth.

14 MR. JACQUES:

15 Q. When you said that one of the  
16 agents provided pilotage service did I understand  
17 right?

18 A. That is correct.

19 Q. The pilot which he provided, was  
20 he a registered pilot in District No. 3?

21 A. I do not know.

22 Q. You do not know?

23 A. This is in 1961.

24 Q. Had you had prior experience in  
25 the dispatching business before taking on this job?

26 A. No.

27 THE CHAIRMAN: On the previous  
28 question, what we have heard so far, but it is not  
29 in the record, is that the pilots that were provided  
30 by the agent were not registered pilots but were





1 selected by him with some sea experience or ship  
2 handling experience and they were provided by him.  
3 That is what we have heard, but it is not in the  
4 record.

5 MR. BRISSET: At the Lakehead, at Fort  
6 William and Port Arthur.

7 THE CHAIRMAN: Yes.

8 MR. JACQUES:

9 Q. Would you tell us how you set up  
10 your dispatching system?

11 A. The system was set up as a result  
12 of conversations with the Duluth Office. I went  
13 down there and we discussed the situation. Certain  
14 requirements were fulfilled to provide the service,  
15 the requirements being a 24-hour telephone service  
16 and making known the numbers to the respective  
17 agents.

18 Q. Making?

19 A. Making known the number and numbers  
20 to the respective agents.

21 Q. The telephone numbers?

22 A. Yes, and the basis on which dis-  
23 patching was to be done was provided to me.

24 Q. Were you given any reference  
25 in writing?

26 A. No.

27 Q. All this was verbal?

28 A. This was all verbal in 1962.

29 Q. How would you keep a 24-hour watch?  
30 Did anyone help you on this job?





1                   A.       In the initial stages we relied  
2 on the telephone answering service.

3                   Q.       Who is "we"?

4                   A.       I say "we"; I speak of the office.  
5 This is not entirely handled just by myself. I do  
6 have personnel in the office who took the dispatching  
7 calls if I was not immediately available -- say tied  
8 up on the phone or something of that nature.

9                               We had normal office hours of  
10 nine to five. The telephone answering service would  
11 cut into our line and relay the calls to myself at  
12 my house, or, if I was not available, to someone  
13 else from our office who was designated to take  
14 and handle the dispatching.

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1 Q. When you refer to your "office"  
2 and the personnel in "your office", you are referring  
3 to your customs brokerage office?

4 A. Yes.

5 Q. And not to an office which is  
6 separate?

7 A. No; it is all tied directly in with  
8 the service.

9 Q. Is the same situation obtaining  
10 today?

11 A. Yes, it still is.

12 Q. It has been like that since you  
13 started?

14 A. Yes, that is correct.

15 Q. And you have made a note of the  
16 number of dispatches you have done in 1962 and 1963?

17 A. I did make a brief summary of  
18 these. In 1962 there was a total of 192 dispatches  
19 documented, plus an additional 20 undocumented; and  
20 in 1963 there were 230 dispatches plus an additional  
21 30, approximately, that were not documented.

22 Q. Will you explain the difference  
23 between a documented and an undocumented dispatch?

24 A. The difference here being where  
25 pilots were on detention, waiting on board vessels;  
26 they handle the ship on the moving of the vessel.

27 Q. In 1962 you had thirty cases of  
28 a pilot performing a move whilst being under de-  
29 tention aboard another ship?

30 A. Yes.





1 Q. You dispatch from where to where?

2 A. We dispatch for movements within  
3 the harbour and for trans-lake movements.

4 Q. For trans-lake movements. You  
5 mean anywhere in Lake Superior you might dispatch  
6 a pilot to board a ship at the Lakehead bound for  
7 Duluth?

8 A. Bound for Duluth and bound for  
9 Port Huron as well, or Chicago, as the case may be.

10 Q. Now, when a ship arrives at the  
11 Lakehead and it has a registered pilot, does he  
12 report to you?

13 A. He is required to report to me.

14 Q. But does he?

15 A. Ninety-nine per cent of the  
16 instances, yes.

17 Q. Does he report physically, or by  
18 telephone?

19 A. In most instances he will report  
20 by telephone.

21 Q. How many pilots, on the average,  
22 have you available at the Lakehead, excluding those  
23 who might be on detention?

24 A. I would say -- and this is just  
25 taking a summary from memory -- that in 1963 we  
26 would have an average of one and a half; I think  
27 that would be a fairly close estimate.

28 Q. In 1962?

29 A. Closer to one, or a shade over  
30 one, on the average.





1 Q. In 1962 and 1963 have you ever been  
2 short of pilots at the Lakehead for pilot movements  
3 within the harbour, or dispatching trans-lake?

4 A. Yes, we have.

5 Q. Was this a frequent occurrence?

6 A. Not too frequent. It depends to  
7 a great extent on the vessels that arrive at the port  
8 and the number of shifts that are performed -- the  
9 number of movements on the respective vessels -- and  
10 the length of time they are in the port. We haven't  
11 counted that.

12 Q. Have you kept a note of these in-  
13 stances?

14 A. Where we were short of a pilot?

15 Q. Yes.

16 A. No.

17 Q. Do you recall whether the delays  
18 involved were long, or the length of the delays in-  
19 volved?

20 A. May I just query that by asking  
21 if you mean did we tie up the vessel for any specific  
22 length of time?

23 Q. Yes.

24 A. I can recall two instances where  
25 there was some delay.

26 Q. Was that last year?

27 A. Yes, in 1963; that is correct.

28 Q. Will you tell us more about those  
29 two cases?

30 A. The first instance I recall there





1 were three vessels in the harbour and only one pilot  
2 at our disposal, and we had received a call -- and  
3 by "we" I mean the service -- received a call for  
4 a possible need for a pilot. Shortly thereafter we  
5 received a call from a second agent that he would  
6 need a pilot for a set move. The definite movement  
7 was attended to and shortly thereafter this earlier  
8 one -- about four o'clock in the afternoon -- the  
9 first agent called and said that he needed a pilot  
10 immediately, and we advised him that there was not  
11 one available and would not be available for approxi-  
12 mately one and a half hours; on this basis he agreed  
13 that the pilot should be supplied at that time.  
14 Thereafter he did file a complaint.

15 Q. He did file a complaint?

16 A. Yes.

17 Q. With whom?

18 A. With the Department, I believe.

19 Q. Was that done in writing, to the  
20 best of your knowledge?

21 A. To the best of my knowledge it  
22 was. I know that I was questioned on it verbally.

23 Q. By whom?

24 A. By the Administrator at Duluth,  
25 Mr. Kiefner.

26 Q. And he is the Administrator of what?

27 A. He is the Administrator of District  
28 3, Lake Superior Pilots Association.

29 Q. He is an American?

30 A. Yes.





1 Q. Is he a pilot?

2 A. No, he is not.

3 Q. He is not a pilot?

4 A. No.

5 Q. Were you supplied with a copy of  
6 the complaint which had been lodged by the agent?

7 A. No, I was not.

8 Q. You were just told about it?

9 A. Yes.

10 Q. What about the second case you  
11 mentioned?

12 A. The second case concerned a pilot  
13 having been requested -- I am not too sure of the  
14 time and the time may be incorrect -- for an evening  
15 movement, and it was necessary for us to obtain a  
16 pilot from Duluth because we did not have one available  
17 at the Lakehead.

18 The request was passed on to  
19 Duluth and a pilot was instructed to catch the evening  
20 plane which at that time arrived shortly after eight  
21 p.m. The pilot was met by myself at the airport and  
22 instructed to proceed to the vessel directly. It  
23 involved, I believe, a delay of approximately an hour  
24 and a half in the movement of the vessel.

25 Subsequent to his boarding the  
26 vessel it was discovered that she was aground and  
27 that she actually didn't move until the next morning.

28 Q. Were both of these cases of  
29 movages within the harbour, or trans-lake?

30 A. They were both for movement within





1 the harbour.

2 Q. Were they for ocean-going ships  
3 or lake ships?

4 A. The service is provided for  
5 ocean-going vessels only.

6 Q. For ocean-going vessels only?

7 A. Yes.

8 Q. How do you keep a supply of pilots  
9 available at the Lakehead?

10 A. Basically, there we know from  
11 agents the vessel movements, arrivals and expected  
12 departure. Once we have this information we can  
13 fairly well estimate the number of pilots that will  
14 be required.

15 This is also taken in conjunction  
16 with all the vessels arriving, whether they will be  
17 under B certificate or otherwise. Of course, if  
18 they are otherwise there will be a pilot aboard.

19 Q. Is there any stated rest period  
20 for the pilot arriving at the Lakehead?

21 A. No, there is not.

22 Q. In practice has there been time  
23 granted to a pilot when he can rest?

24 A. I do believe that there was one  
25 case that I instructed a pilot, on my own, to rest.  
26 This was a matter of him getting some sleeping time  
27 because he had been on service for quite a lengthy  
28 time; but there is no definite provision.

29 Q. Now, you have mentioned this was a  
30 B certificate coming into the Lakehead. Would they,





1 to your best knowledge, enter on their own and do  
2 their own docking?

3 A. In some instances, yes.

4 Q. And in the other cases what does  
5 happen?

6 A. A pilot is requested and he is  
7 placed on board.

8 Q. And he boards the ship off the  
9 Lakehead?

10 A. That is correct.

11 THE CHAIRMAN: While you are on  
12 the subject, what about other types of vessels, like  
13 lakers? Do they request a pilot at times?

14 THE WITNESS: No, I haven't had  
15 a request for a pilot for a lake vessel.

16 MR. JACQUES:

17 Q. Now, when you receive a pilot  
18 who has taken a ship to the Lakehead what do you do  
19 with him?

20 A. Well, we have a set of working  
21 rules that has been issued by the District 3  
22 Association.

23 Q. Do you have that with you?

24 A. Yes, I do.

25 MR. JACQUES: I would like to  
26 file as Exhibit 1089, a document entitled "Excerpts  
27 from Lake Superior Pilots Association, Inc. working  
28 rules as amended April 9th, 1963." This document  
29 covers dispatching duties at Sault Ste. Marie,  
30 Fort William, Port Arthur and Duluth offices.





1 ---EXHIBIT NO. 1089: Document entitled "Excerpts  
2 from Lake Superior Pilots  
3 Association, Inc. Working  
4 Rules as amended April 9th  
5 1963."

(NOTE: See Page 14971)

MR. JACQUES:

Q. This document refers to "operating  
areas". What is an operating area?

A. The area from which the dispatch  
is conducted, as I recall from memory.

Q. You haven't got a copy of your own?

A. No; you have the two that I had in  
my file.

Q. Would you mind going through these  
rules and explaining them as we go along? The  
first chapter or section is entitled "Roster." Will  
you explain that, please?

A. Well, "Roster" is the basis on  
which pilots will be listed. There were three types  
of Roster. One was local roster, the other was what  
we call commonly the trans-Lake roster and the third  
was the intermediate roster where the pilot could  
float from one area to another. This is maybe not  
the exact wording in here, but it is the basis on  
which it was carried out.

Q. And you say there were three  
rosters. What about now?

A. To the best of my knowledge there  
are three rosters in the navigation season; there  
were only two at the Lakehead. The third roster,  
the intermediate one, was pretty well controlled





1 by the dispatch office at Duluth, which is the  
2 central dispatch.

3 Q. And you have the other two rosters?

4 A. Yes.

5 Q. The local and trans-lake?

6 A. Yes.

7 Q. How do you keep these? How do  
8 you place names on these rosters?

9 A. In our area it was rather easy to  
10 do this. It was just a matter of keeping notations  
11 on paper and gradually moving the pilots out on the  
12 dispatching as the numbers became available.

13 Q. On the first-in first-out basis?

14 A. That is correct.

15 Q. How do you segregate your pilots  
16 on the local roster and the trans-lake roster?

17 A. We had, I believe, on only a few  
18 occasions two local pilots who were actually desig-  
19 nated as local pilots, and on this basis there was  
20 no difficulty.

21 Q. And who designated these two pilots  
22 as local pilots?

23 A. The Duluth Office designated the  
24 pilot that was to be maintained on the local roster.

25 Q. And are they always the same pilots  
26 throughout the season?

27 A. No. We had attempted to maintain  
28 one Canadian pilot on the local roster throughout the  
29 year on a rotating basis amongst the three Canadian  
30 pilots in the district.





1 Q. And that didn't work?

2 A. Yes, it did work. There were  
3 times, however, that we needed a second local pilot  
4 and it was not convenient to have the second pilot  
5 a Canadian.

6 Q. And how was your local roster  
7 worked? The Duluth Office appoints two pilots on  
8 the local roster; is that correct?

9 A. Generally it would only be one.

10 Q. Generally it would only be one?

11 A. Yes.

12 Q. And what does he do? Does he  
13 go up physically to the Lakehead?

14 A. Yes.

15 Q. And stays there all the time?

16 A. He resides at the Lakehead.

17 Q. Resides at the Lakehead?

18 A. Yes.

19 Q. But if he goes away on a trans-  
20 lake ship is he replaced?

21 A. If there is one that requires  
22 replacement of a pilot you have to replace him, yes.

23 Q. And where do you get your replace-  
24 ment?

25 A. In some instances we get pilots  
26 from vessels that have arrived inwards. In other  
27 instances we have requested a pilot, and he may have  
28 come from Duluth; he may have come from the Soo;  
29 or, for that matter, he may have come from Port Erie.

30 Q. Which is the most frequent





1 occurrence -- that you have to fly your pilots in  
2 or take one who has arrived on board a ship?

3 A. This is difficult really to answer.  
4 I don't have the figures on that. On the basis of  
5 memory I would say that the frequency was with the  
6 flying in of a pilot from Duluth.

7 Q. Flying a pilot in from Duluth?

8 A. Yes.

9 Q. What about your other roster?

10 A. The trans-lake roster?

11 Q. Yes.

12 A. In addition to the trans-lake  
13 roster applying to the pilots who are on trans-lake  
14 service they are also entitled to be placed on the  
15 local roster; and if local men performed a movement  
16 then they move back in line, in succession. However,  
17 they remained on the top of the trans-lake roster  
18 until such time as a man for a trans-lake shift came  
19 up; and the provisions of the working rules were  
20 such that if there was no call within twenty-four  
21 hours he would return to his home base; or if, for  
22 some reason, he was required in some other area he  
23 was dispatched to that area.

24 Q. So that as a rule am I right in  
25 saying that whenever a pilot arrived at the Lakehead,  
26 if you don't foresee a job for him within twenty-  
27 four hours you dispatch him either to his home base  
28 or to another port?

29 A. That is correct.

30 Q. And the only pilots who would





1 remain at the Lakehead would be the pilot appointed  
2 on the local roster?

3 A. That is correct.

4 Q. How many pilots are appointed  
5 each year on the local roster? You say it changes.  
6 What would be the rotation?

7 A. Initially we had two and that would  
8 change.

9 Q. Were they present the whole season?

10 A. No; actually there were certainly  
11 two at the Lakehead at the beginning of the season  
12 and one would go down to Port Huron; the third pilot  
13 would be stationed at the Soo -- the river.

14 Q. That is the three Canadians?

15 A. Yes.

16 Q. And at the moment what setup have  
17 you got? Is there one Canadian in this setup  
18 always the same man?

19 A. No. It was the basis of the  
20 thinking that they would maintain one Canadian on  
21 the local roster and they would rotate the service  
22 between the three Canadian pilots.

23 -

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25 -





ANGUS, STONEHOUSE & CO. LTD.  
TORONTO, ONTARIO

Lucky, dir  
(Jacques)

14943

1 English

2 Q. At the Lakehead?

3 A. Yes. As conveniently as  
4 possible without disrupting their work at that time.

5 Q. Now what is it?

6 A. For the forthcoming season I  
7 cannot tell you.

8 Q. That was like that last year?

9 A. That is correct.

10 Q. So you never had Americans  
11 on the local roster?

12 A. Oh, yes, we did have Americans.

13 Q. How did they get on the local  
14 roster?

15 A. They were placed on the local  
16 roster for a temporary period of time when vessels  
17 moved and such that we required a second pilot.

18 Q. And they were chosen by the  
19 Duluth office?

20 A. That is correct.

21 Q. For what period of time were  
22 they on the local roster?

23 A. The first occurrence would be  
24 for approximately 8 to 10 days.

25 The second, for about three.

26 Q. That was last year?

27 A. Yes.

28 Q. Have you received any complaints  
29 from American pilots being on the local roster?

30 A. It just depends on what you mean





1 English

2 by "complaints".

3 Q. Well, complaints?

4 A. I think that in all fairness,  
5 being placed on the local roster, there were no complaints  
6 as such. However, I don't know or recall one of the  
7 pilots who did not come to me and complain about one  
8 thing or another. I am not saying that there were  
9 complaints about what they were doing. There appears  
10 to be a hardheaded tradition.

11 Q. It was once said before this  
12 Commission there was no such thing as a happy pilot.

13 A. I think it is probably correct.

14 MR. LALONDE: Nor happy ship  
15 owner.

16 THE CHAIRMAN: I think also  
17 nor a happy farmer. It is human nature.

18 BY MR. JACQUES:

19 Q. Do you have any other comments  
20 to offer on your own dispatching at the Lakehead?

21 A. Insofar as the dispatching service  
22 as it is provided now?

23 Q. Yes.

24 A. One difficulty that I encounter  
25 is that we are not always fully aware of when the vessels  
26 might arrive. This was a problem. The liaison which  
27 is primarily by telephone did not give you any documents  
28 or records of any transactions. Unfortunately, if we put  
29 in a teletype system, which I think would probably be the  
30 best system, would be far more expensive than the present





1 English

2 one.

3 Q. You talked about liaison. That  
4 would be liaison between whom?

5 A. Between the dispatch service  
6 provided at the Lakehead and the one at Duluth and  
7 Port Huron and Sault Ste. Marie.

8 Q. This is done by phone strictly?

9 A. That is right.

10 Q. Do you make regular reports in  
11 the morning as some of the other dispatching stations  
12 do? At nine o'clock in the morning do you report the  
13 number of pilots they have on hand?

14 A. No, we do not.

15 Q. When a pilot arrives at the  
16 Lakehead do you report to the main office that he has  
17 arrived?

18 A. No, not as a general rule.  
19 There may be some instances where the Duluth office  
20 would want to know when a certain pilot has arrived  
21 in as much as they may require him for some other  
22 service elsewhere.

23 Q. Say when a trans-lake pilot  
24 arrives, you are on your own; if you do not foresee  
25 any employment for him for the next 24 hours, what do  
26 you do? Do you say, "Go home"?

27 A. No, we are almost in daily  
28 contact, and are aware of what movements --

29 Q. Between Duluth?

30 A. Between Duluth and the Lakehead,





English

and there have been instances where we have known well enough in advance which pilot was coming up and where he was going to go when he arrived.

Q. Prior to his arrival you would have instructions with respect to his employment?

A. In some instances, yes.

Q. If you have no instructions what do you do?

A. His requirement is that he stays for 12 hours plus an additional 12 hours if a move is pending. Then he is to return to his home base.

Usually prior to his return there is some contact between the two offices, Lakehead and Duluth, to determine whether he is to go back or if he is to be held or sent to some other place.

Q. I see. Does it happen you have several pilots at the same time arriving for trans-lake purposes?

A. Yes.

Q. I heard that since Canadian pilots are paid a salary and American pilots are paid out of a pool, that the American pilots try to get the bigger and faster ships, leaving the slowpokes to the Canadian when there is competition, when two of them are at the top of the roster. Does that happen?

A. There cannot be two at the top of the roster. There can only be one. Insofar as my experience in dispatching is concerned, they took their





1 English

2 turn. There was no preference, one over the other.

3 Q. Does it ever happen that there  
4 are two ships due to leave and two pilots on the  
5 roster, the first one being a Canadian and the second  
6 one being an American, and the first ship being a fast  
7 ship or vice versa, and that one would try to exchange  
8 turn with the other pilot?

9 A. I can recall one instance where  
10 a pilot wanted to refuse an assignment for a personal  
11 reason, and I would not accept his refusal.

12 Q. What happened?

13 A. He did perform the service.

14 Q. He did take the ship?

15 A. Yes.

16 Q. What portion of your time do  
17 you spend on dispatching duties?

18 A. This depends to a great extent  
19 on the number of vessels that we have in port.

20 Q. Say last year. Could you  
21 describe approximately the time that you spent on  
22 that last year?

23 A. Just taking a guess, I would  
24 say an average of about half an hour a day.

25 Q. Half an hour?

26 A. Half an hour. That might not  
27 even be fair. There are some days where it consumed  
28 most of my time. I think possibly in the overall picture  
29 it would be closer to an hour and a half to two hours  
30 in a five-day week.





English

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Q. What is your busiest time in the year? Does that follow a pattern?

A. Well, the spring is quite busy and the fall is quite busy. This would run from April until early June, and commence again about the middle of September until the end of the season.

COMMISSIONER RENWICK: In that context he is in the office over and above that; he has other functions in the organization?

THE WITNESS: I was assuming you meant all time involved, and that is where I had to correct the time element.

BY MR. JACQUES:

Q. Do you do any billing for pilotage dues?

A. No, we do not.

Q. This is all done at Duluth?

A. That is correct.

Q. You don't send a bill even for movage?

A. No, not a bill.

Q. Do you send anything?

A. Not to the agents for services. We do transmit documents to Duluth.

Q. Do you receive a pilotage card once a pilot has performed his duty?

A. Yes. This is what I had in mind. Source form.

Q. You receive the source form and





English

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you forward it to Duluth?

A. That is correct.

Q. Have you any disciplinary powers?

A. The only powers I have are that of removing a pilot who might be intoxicated from service until such time as the matter is clarified with the Duluth office or with the Department, as the case may be.

Q. Have you had occasion to use that power?

A. Yes, I have.

Q. Would you tell us about it, please, omitting the name of the man concerned.

A. We did have an occasion where a pilot, unbeknownst to me had started drinking.

Q. What year was that?

A. This would be 1963. Yes, early in 1963. He was dispatched on a particular day, an early dispatch. This would be in the forenoon. In the course of berthing the vessel, he caused some damage at an elevator, and I was advised that he had been drinking.

He did talk to me on the phone, and from his conversation I could not definitely determine that he had been.

A second assignment came up, and I called him on the second assignment that afternoon, and he appeared to be all right for service. I dispatched him. He performed the service without incident, and





1 English  
2 called me after the service had been provided. At that  
3 time I could note a very definite slurry tone to his  
4 voice, and in subsequent conversation I was able to  
5 determine that he was under the influence of alcohol.  
6 Subsequent conversations, as I recall, took place in  
7 a matter of half to three-quarters of an hour.

8 Q. Had you met the man then per-  
9 sonally?

10 A. No. I did investigate the  
11 matter shortly thereafter, and found out that he was  
12 under the influence of alcohol.

13 Q. How did you proceed with your  
14 investigation?

15 A. Well, we did receive a verbal  
16 complaint of the damage.

17 Q. From whom?

18 A. From the vessel's agent.

19 Q. Yes?

20 A. And a report of the man's  
21 condition was submitted to Duluth, and they confirmed  
22 that he should not go on assignment. A replacement  
23 pilot came in, and the matter was turned over to the  
24 Department, and they sent an investigator up.

25 Q. How soon after this incident  
26 did the investigator appear on the scene? Was it a  
27 matter of days, of hours?

28 A. I believe it was the next day.  
29 I am just going by memory.

30 Q. The ship was still in port then?





1 English

2 A. Yes.

3 Q. Do you have to submit returns  
4 to your principals in Duluth, monthly returns or yearly  
5 returns?

6 A. No. I am required to submit  
7 returns, copies of the dispatches to the Duluth office.

8 Q. You have brought these returns  
9 with you, or copies?

10 A. Yes, I have. That is, I have  
11 the 1963 dispatches here.

12 Q. You show me a bundle of sheets  
13 of paper entitled Lake Superior Pilots Association Inc.  
14 call sheet, and this sheet contains the name of the  
15 vessel, name of the agent, time called, pilotage from,  
16 pilotage to, time required, pilot, time called and  
17 remarks.

18 Would you explain this form?  
19 Is that the form used? The entry under "vessel", that  
20 would be the name of the vessel requesting a pilot?

21 A. Yes.

22 Q. "Agent" would be the one who  
23 phoned you?

24 A. Yes.

25 Q. And "time called", what is that?

26 A. This would be the time that the  
27 agent or his representative called in requesting a  
28 pilot.

29 Q. "Pilotage from" and "pilotage to"?

30 A. This would be the berth from





English

which the pilot is to depart, and the destination would be the "to" portion.

Q. If it was a trans-lake job, what entry would be made?

A. From the particular berth to trans-lake.

Q. To trans-lake?

A. Yes.

Q. And "time required"?

A. This is the time which the pilot is required for the service.

Q. And of course, "name of pilot"?

A. Yes.

Q. And again you see the entry "time called". What is that?

A. This is the time at which the pilot is called advising him of the impending movement.

Q. Yes. Would you be kind enough to supply us with blank sheets of this document?

A. Yes.

Q. Now, have you compiled any statistics on the number and nature of assignments done from the Lakehead or at the Lakehead showing the number of moves, number of trans-lake jobs?

A. I know the number of dispatches. This involves both moves and trans-lake. I have not segregated the two.

Q. You cannot tell us if out of 270 dispatches in 1963 there were 200 moves and 70 trans-





1 English

2 lake jobs?

3 A. No, I cannot at the present time.

4 Q. Would it be possible to obtain  
5 this information?

6 A. Yes, it would.

7 Q. Would it involve a lot of work  
8 to provide this information?

9 A. Quite quickly it would involve  
10 going through all the dispatch sheets and picking out  
11 those ones involving trans-lake.

12 Q. Do you know if your Duluth  
13 office would have that information available?

14 A. I can't say.

15 MR. JACQUES: My Lord, I propose  
16 that we wait until we can find out from the Duluth  
17 office whether he can provide this information or not.  
18 If not, I will ask Mr. Lucky to provide it for the  
19 Commission.

20 Q. Do you tabulate all this  
21 information before you forward it to Duluth, or do you  
22 just send it in a bundle like that?

23 A. It actually goes in twice a  
24 week. Carbon copies of these original call sheets. On  
25 this basis.

26 Q. Do you forward any other  
27 documents to the Duluth office?

28 A. The only other documents that I  
29 forward are the source forms which I might receive from  
30 the pilots for transmittal, or the invoices which are





1 English

2 forwarded to me for approval from the pilot boat  
3 operator.

4 Q. Invoices from the?

5 A. From the pilot boat operator.

6 Q. From the pilot boat operator?

7 A. Yes.

8 Q. Do you have anything to do with  
9 the pilot's expenses, approval of the expenses?

10 A. None whatsoever.

11 Q. Who provides the pilot boat  
12 service at the Lakehead?

13 A. The party is Mr. Elliot Dawson  
14 under the name of Thunder Bay Marine Service.

15 Q. Have you seen the boat involved?

16 A. Yes, I have.

17 Q. Would you describe her briefly,  
18 please?

19 A. There are actually two vessels  
20 involved. They are steel hull; formerly fishing  
21 vessels that have been converted. I am just going from  
22 memory when I say I believe the length would be  
23 approximately 30 feet in one case, and maybe 36 feet  
24 in the case of the second vessel.

25 Q. Have they a deckhouse on them?

26 A. Yes, they have housing. One  
27 has complete radio-telephone facilities and the other  
28 does not. The second vessel without the complete  
29 facilities is only used when the first is not available.

30 Q. What is the rate which is charged?





1 English

2 A. The rate is \$20.00 per trip.

3 Q. Per trip? Have you received  
4 any comments on the quality of the service.

5 A. From the pilots themselves, they  
6 feel that the pilot boat operator is a very good operator.  
7 I have not heard of any complaints with his service.

8 Q. You said comments on the pilot  
9 boat operator. What about the pilot boat?

10 A. The pilot boat as well. There  
11 may possibly be one or two alterations that could be  
12 made to the boat, but I do not believe that they raise  
13 any strenuous objections to its present condition.

14 Q. Has there ever been any  
15 accident to pilots while in the pilot boat or boarding  
16 or getting off the ship?

17 A. Not to my knowledge in our  
18 area.

19 Q. How long has this firm provided  
20 pilot boat services?

21 A. To District 3 pilots, insofar  
22 as my experience is concerned, for the last two seasons.

23 Q. For the last two seasons?

24 A. That is correct.

25 Q. Prior to that do you know who  
26 provided the service?

27 A. I do believe but I am not  
28 sure that he did provide the service as well.

29 Q. Anyway it was not the same firm;  
30 it was a change of firm?





1 English

2 A. No, it would be the same firm.

3 Q. It would be the same firm?

4 A. He did provide the service.

5 MR. JACQUES: Thank you.

6 COMMISSIONER SMITH: If Your  
7 Lordship pleases, I would like to ask the witness a  
8 few questions.

9 Mr. Lucky, under section 61,  
10 paragraph 4 of the by-laws, a provision is made for  
11 the movement of ships of a certain tonnage and length  
12 in certain parts of the harbour with the permission of  
13 the harbour master.

14 I would like to go from there  
15 to the list of accidents in the five-year period -- 16  
16 accidents, which on the face of it looks to me to be  
17 a very excellent report, 16 accidents in five years.  
18 And the estimated damages run from a high of 72,000-odd,  
19 I think it is, to a few hundred dollars.

20 Looking at the causes of the  
21 accident I find that there are only four where tugs  
22 were more or less blamed for the casualty. In those  
23 other vessels would tugs be used as well?

24 THE WITNESS: I cannot say as  
25 I am not familiar with the accidents which you refer to  
26 without any specific reference.

27 COMMISSIONER SMITH: I will show  
28 you the list. Perhaps I could rephrase the question,  
29 Mr. Lucky, in this way. Is it the general practice to  
30 use tugs there in the docking or undocking of ships?





1 English

2 THE WITNESS: It is a general  
3 practice, yes.

4 COMMISSIONER SMITH: And in the  
5 majority of cases, the tugs would be used?

6 THE WITNESS: I would say Yes.

7 COMMISSIONER SMITH: In the  
8 list of the 16 accidents here, four of them blamed,  
9 or intimated perhaps -- not blamed, intimated -- that  
10 the cause of the accident was due to the negligence or  
11 otherwise of the tugs?

12 THE WITNESS: There is one  
13 that I can refer to and this is #9 on the list. It  
14 is the specific instance that I discussed earlier  
15 concerning a pilot being under the influence of alcohol.  
16 It is doubtful that I could honestly state who would  
17 be at fault, not being on the scene, so I would not  
18 wish to comment officially on that.

19 COMMISSIONER SMITH: It says  
20 that the Master blames the poor berthing on the tug's  
21 service. You would not go along with that because you  
22 say you do not know?

23 THE WITNESS: I would not go  
24 either way saying that the tug is at fault or the pilot  
25 is at fault because I am not fully aware of the  
26 circumstances in that instance.

27 As I review the list there is  
28 actually only one point, one accident with which I am  
29 fairly well versed. This would be #11, concerning the  
30 S.S. Zinnia. I do not know what the outcome of the





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TORONTO, ONTARIO

Lucky, dir  
(Jacques)

14958

1 English

2 investigation of this accident is, but I would say  
3 from what little I know of it, that the cause of the  
4 accident was the fault of neither the pilot nor the  
5 tugs.

6 COMMISSIONER SMITH: Yes. I  
7 see here it says, "tugs may" -- they use the word  
8 "may be to blame." It does not make any definite  
9 allegation.

10 THE WITNESS: I believe that  
11 the outcome of the accident or the investigation would  
12 probably be answered better by the representative  
13 from the Harbour Commission. He may be more aware of  
14 the facts than I am.

15 Insofar as the other vessels  
16 are concerned I have no definite information, although  
17 I do know that some of these are lake vessels with  
18 which we would not be involved.

19 COMMISSIONER SMITH: In a  
20 general way would you say that the tug service in the  
21 harbour is satisfactory?

22 THE WITNESS: I would say that  
23 there is satisfactory tug service available, but there  
24 is one problem which exists -- I should say existed.  
25 I do not know whether it will continue to exist. This  
26 information is based on comments that I have received  
27 from the pilots in the course of their duties.

28 One of the operators of the  
29 tug that is used exclusively was a former pilot -- former  
30 local pilot. I do not think that the two groups get





1 English

2 along too well. I have no conclusive evidence of  
3 this but I feel that having received this type of  
4 comment from the majority of the pilots there is a  
5 possiblity of some truth to it.

6 MR. JACQUES: Q. When you say  
7 the two groups you mean the tug boat operator and the  
8 pilots as groups?

9 A. I would say the man on the tug  
10 and the pilots.

11 Q. And the pilot?

12 A. This is based on the fact that  
13 he was displaced from a position.

14 THE CHAIRMAN: He was a member  
15 of the former organization?

16 THE WITNESS: Correct.

17 MR. JACQUES: Q. I have  
18 one last question. On what basis are you paid for  
19 your services?

20 A. Initially it was on a verbal  
21 agreement. I was not aware of what would be involved  
22 in the service and a sum was stipulated in 1962 for  
23 payment for providing the service. This sum has been  
24 changed both in 1962 and in 1963.

25 Q. Is that a lump sum for the whole  
26 season?

27 A. No, it is on a monthly payment.

28 Q. A monthly payment as of the  
29 beginning of the navigation season?

30 A. That is correct.





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TORONTO, ONTARIO

Lucky, dir  
(Jacques)

14960

1 English

2 Q. Would you mind telling us the  
3 sum that you are getting?

4 A. No, I have no hesitation.  
5 Initially, in as much as I was not aware of it and was  
6 basing our service on information supplied by the  
7 Association, they felt that the sum provided would  
8 be \$350.00 per month.

9 After the first month's oper-  
10 ation it was found that the sum provided was not  
11 warranted by the service. I do not mind making money,  
12 but I do not like to take it that easily. We mutually  
13 agreed to reduce it to \$100.00 per month for providing  
14 the service, and this continued during the balance of  
15 the 1962 season.

16 In 1963 we started at the  
17 same sum but I felt that in as much as we did have to  
18 provide a 24-hour service and keep a man on call seven  
19 days a week, because we sometimes received only 20  
20 minutes or three-quarters of an hour's notice for  
21 dispatching, an additional sum was warranted. We  
22 requested that it be increased to \$150.00 and the  
23 Board of Directors of the Association met and consented.  
24 This is the basis of the payment. I do not believe  
25 that it can be construed to be a money-making venture.

26 Q. Certainly not by the figures  
27 you have given us?

28 A. No.

29 Q. Does that cover all the  
30 expenses incurred in the course of operation?





1 English

2 A. No, it does not. It does not  
3 cover expenses for long distance calls or telegrams  
4 that might be warranted.

5 Q. You charge your disbursements,  
6 your out-of-pocket expenses and these are reimbursed  
7 to you?

8 A. That is correct. There would  
9 be very little in the way of out-of-pocket expenses.  
10 The only additional expenses of any consequence would  
11 be the long distance telephone calls and the telephone  
12 answering service, which is an extra. I think that  
13 additional out-of-pocket expenses to the Association  
14 might amount to \$15.00 in the course of the year.

15 MR. JACQUES: Thank you.

16 THE CHAIRMAN: And this is  
17 not coming from the Department of Transport but from  
18 the American Association?

19 THE WITNESS: That is correct.

20 THE CHAIRMAN: The pilots'  
21 association. You have nothing to do with the Department  
22 of Transport?

23 THE WITNESS: Directly, no.

24 CROSS-EXAMINATION BY MR. BRISSET:  
25

26 Q. Mr. Lucky, had you had experi-  
27 ence in the operation of ships before?

28 A. No.

29 Q. Before starting this dispatching  
30 service?





1 English

2 A. No.

3 Q. Where is your office located  
4 exactly?

5 A. Do you want the street address?

6 Q. Yes.

7 A. It is located at 135 $\frac{1}{2}$  North  
8 May Street in Fort William.

9 Q. How many pilots altogether are  
10 there in District #3?

11 A. The requirement under the Act  
12 is for 16 -- 13 Americans and 3 Canadians. However,  
13 my records indicate that there were in fact 19 in  
14 service last year.

15 Q. When you say 19, would it be  
16 possible that the three additional might be trainee  
17 pilots doing trans-lake work?

18 A. Yes.

19 Q. Did you have to dispatch any  
20 of those?

21 A. Yes.

22 Q. How many dispatching offices  
23 are there within the limits of your District?

24 A. Of District 3?

25 Q. Yes.

26 A. Five to the best of my knowledge.

27 Q. There is one at the Lakehead?

28 A. Yes, right.

29 Q. There is one at Duluth?

30 A. Right.





1 English

2 Q. There is one at Detour?

3 A. Actually at the "Soo" because  
4 it covers both Detour and Iroquois

5 Q. Where are the two other ones?

6 A. Chicago is used and, of course,  
7 Port Huron.

8 Q. Chicago is at present serviced  
9 by pilots in your District; is that correct?

10 A. That is correct.

11 Q. I am speaking of the port  
12 itself?

13 A. To the best of my knowledge.  
14 I am not that familiar with the operation in Chicago.

15 MR. LALONDE: I think my  
16 friend would remember that we had evidence that  
17 District 2 pilots also served Lake Michigan. That  
18 would be a joint operation. We have been told that  
19 Lake Huron and Lake Michigan were serviced by District  
20 2 and District 3 pilots.

21 MR. BRISSET: Q. The position  
22 as I understand it is that if you have a trans-lake  
23 pilot supplied by District #2 to cross Lake Michigan  
24 he will dock or berth the ship in Chicago, but the  
25 local services, movages, are effected by District 3  
26 pilots; is that correct?

27 A. That is my understanding also.

28 Q. Let us go back to your dispatch-  
29 ing service in Fort William itself. What liaison  
30 do you keep with the dispatching office at Duluth and





English

the one at the "Soo", if any?

A. We are principally in touch with the Duluth office because that is the control point. We have only been in touch with the "Soo" office on two or three occasions.

Q. Do you keep any liaison with the Duluth office in order to find out what is the traffic coming into Lake Superior and heading for the Lakehead?

A. This comes about through phone conversation.

Q. Is that done every day?

A. No, not as a rule. It depends to a great extent on the amount of traffic that we have and the amount of traffic that they have.

Q. What would be the pattern there? Would it be the Duluth office that would communicate with you to tell you of the expected traffic or would it be you calling the Duluth office to enquire about expected traffic?

A. I think that I can safely say that 80% of the time I call the Duluth office.

Q. In order to have all the picture of the traffic within the area?

A. To keep them informed of what was going on in our area and to obtain a picture for the future.

Q. Are there any rules applying with reference to requests for pilots at the Lakehead





1 English

2 by agents? Is there any time limit within which they  
3 must call or is it done more or less informally?

4 A. We are supposed to have three  
5 hours' notice, but --

6 Q. It does not work?

7 A. It is very seldom we have  
8 gotten the three hours' notice. I must admit it is  
9 not to the best of my knowledge entirely the fault  
10 of the agent. The matter is in most instances beyond  
11 their control.

12 Q. What is the particular reason  
13 that explains that pilots are required or requested  
14 at rather short notice at the Lakehead?

15 A. To go into it as briefly as  
16 possible, most of the vessels coming into the Lakehead  
17 are there for the grain trade and the control of the  
18 loading facilities is in the hands of an organization  
19 called the Lake Shippers Clearance Association. They  
20 determine where and when and the extent to which the  
21 load will be obtained by all the vessels. It is their  
22 prerogative to determine when the vessel will move.

23 They have on occasion, because  
24 of the volume of ships, found it necessary to delay  
25 the transmittal of the information until the last  
26 minute.

27 Q. In other words, you have a  
28 special situation at the Lakehead which does not permit  
29 the notice to be given in what would be elsewhere  
30 reasonable time?





1 English

2 A. I would not say that it does  
3 not permit. I would say that we are not given the  
4 notice, that this would involve going into the  
5 operation of the other association before one could  
6 determine whether or not sufficient notice could be  
7 given.

8 Q. Have you ever discussed the  
9 situation with the Grain Shippers Association?

10 A. Yes, I have.

11 Q. And what has been the result  
12 of these discussions? Has there been any improvement?

13 A. There has been for a short  
14 time, but as I mentioned they have a problem in being  
15 able to determine the next pilot for the shift until  
16 almost 15 or 20 minutes, or maybe half an hour -- in  
17 that vicinity -- maybe three-quarters of an hour before  
18 loading has been completed.

19 Q. You have spoken in the course  
20 of your evidence of the "home base" of a pilot. What  
21 do you mean by this expression?

22 A. The pilots are assigned to a  
23 particular area as their home base, and it is in that  
24 location that they are to take up residence. When  
25 they are at their home base the expense for living  
26 incurred will ostensibly come out of their own pocket.

27 Q. How many pilots have their home  
28 base at Fort William or Port Arthur at the Lakehead?

29 A. Two of the three Canadians; I  
30 might verify that.





1 English

2 Q. If they have no assignment  
3 coming and if they are absent from their home base  
4 they would automatically be returned to their home  
5 base; is that correct?

6 A. This is true unless during the  
7 course of the year their home base or their assignment  
8 had been changed in view of the influx of ships.

9 Q. Has this happened in the case  
10 of the two Canadian pilots?

11 A. Yes, it has.

12 Q. When was the last change that  
13 you recall?

14 A. It actually changed shortly  
15 after the season -- well, I would say about the end  
16 of May or the beginning of June.

17 Q. In 1963?

18 A. In that vicinity, yes.

19 Q. From then on two of the  
20 Canadian pilots had their home base in Fort William?

21 A. One had his home base in  
22 Fort William.

23 Q. And the other one was switched  
24 to another place?

25 A. Yes; he was moved from Duluth  
26 to Chicago.

27 Q. So that at the end of the year  
28 1963 only one Canadian pilot had his home base at  
29 the Lakehead?

30 A. To the best of my knowledge.





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TORONTO, ONTARIO

Lucky, cr-ex  
(Brisset)

14968

1 English

2 Q. Now, all your dispatching is  
3 done by telephone, I take it?

4 A. That is correct.

5 Q. Let us assume that there is a  
6 ship coming up the lakes and going to the Lakehead and  
7 requiring a pilot to proceed into the harbour. When  
8 will you be notified normally, and by whom?

9 A. The time limit has been from  
10 about 15 minutes before the vessel was expected to  
11 a matter of hours.

12 Q. And you would be advised by  
13 whom?

14 A. The agent or his representative.

15 Q. And the ship would, I suppose,  
16 give an ETA to the agent by radio-telephone?

17 A. That is correct.

18 Q. And then you would be called?

19 A. Yes.

20 Q. Where does the ship pick up the  
21 pilot coming in?

22 A. It depends on the location of  
23 the berth.

24 Q. Would it be outside the limits  
25 of the harbour, or inside?

26 A. In almost all instances I would  
27 say outside.

28 Q. How far out, approximately?

29 A. If you would care to refer to  
30 the chart, it has been from as near as the harbour





1 English

2 entrance to beyond the Welcome Island.

3 Q. Who notifies the pilot boat  
4 that a pilot has to be put aboard the ship?

5 A. I do.

6 Q. That is part of your dispatching  
7 duties?

8 A. That is correct.

9 Q. And that is done by land  
10 telephone, I take it?

11 A. That is correct.

12 Q. Where is the pilot boat  
13 usually stationed?

14 A. The station is approximately  
15 in between the extremes -- the outer reaches -- of the  
16 limits. Actually, I can show it to you on the map.  
17 It is right at this point here (indicating).

18 MR. JACQUES: What is it called?

19 THE WITNESS: In the vicinity  
20 of the ore dock; it is actually right at the base of  
21 the ore dock.

22 MR. LALONDE: Will you make a  
23 circle in red at that point?

24 THE WITNESS: Yes.

25 (The witness did so).

26 MR. BRISSET: Q. Is there an  
27 office there that you can call?

28 A. Yes.

29 Q. On the dock itself, I take it?

30 A. Yes.





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TORONTO, ONTARIO

Lucky, cr-ex  
(Brisset)

14970

1 English

2 THE CHAIRMAN: We will now  
3 adjourn for lunch and resume at 2:30.

4 ---LUNCHEON ADJOURNMENT.  
5  
6  
7  
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1  
2 ---UPON RESUMING AT 2:30 P.M.:

3  
4 THE SECRETARY: Before we resume the  
5 proceedings, I should like to make a correction to the  
6 exhibit record. I have found that Lake Ontario Chart  
7 2070, which was filed this morning as Exhibit 1088,  
8 had already been filed as Exhibit 978.

9 So, if I may change the record, the  
10 last exhibit, No. 1089, becomes now 1088. That was  
11 the document entitled "Instructions re Dispatching  
12 Pilots. Great Lakes Pilot District #3."

13 MR. JACQUES: I have received from Mr.  
14 F.K. McKean, District Marine Agent, Parry Sound, a  
15 list of the casualties which have occurred in the  
16 channels in his district, together with a report on  
17 the grounding of the "ZINNIA" at the Lakehead; and  
18 also a record of the outages and obstructions and the  
19 procedure followed to warn mariners in each case.

20 I should like to file these as Exhibit  
21 1089.

22  
23 ---EXHIBIT NO. 1089: Record of Outages and  
24 Obstructions and procedure  
25 followed to warn mariners  
26 in Parry Sound Agency for  
the year 1963, and related  
documents.

27  
28 MR. JACQUES: This forms part of the  
29 record of outages and obstructions.  
30





CROSS-EXAMINATION BY MR. BRISSET: (Continued)

Q Mr. Lucky, will you refer to page 3 of the working rules, Exhibit 1088 where there is a reference at the bottom of the page to "Post Dispatch" and where it says "...The shipping rules shall apply to dispatch from Duluth, Superior, and if traffic should develop to the point where more than one pilot is stationed in the area at Port Arthur-Fort William ..."

Am I correct in assuming that traffic has developed at the Lakehead to the point where more than one pilot is stationed?

A This is partially true insofar as it would come into effect at certain times of the year; but not on a complete year-round operation.

Q It is only when the traffic has developed to this extent that, in accordance with the working rules, you will have three rosters?

A That is correct.

Q You have called the first roster of pilots the local waters pilots. Is that the same as is called "port pilotage" in this document?

A Yes.

Q And then you have the "Inter-lake Pilotage Roster", and finally the "off-station roster". Is that what you call the intermediate roster?

A That is right.





1 Q Now, when you have your three  
2 rosters in operation can a pilot appear, or be placed  
3 on more than one roster at the time?

4 A Yes; he can be placed on two rosters.

5 Q Two rosters?

6 A To the best of my knowledge. I am  
7 working on the basis that we have only had the two  
8 rosters in operation at the Lakehead.

9 Q And these would be the port pilot-  
10 age roster and the trans-lake roster?

11 A Yes.

12 Q And how many pilots would you have  
13 altogether, say, on the Trans-Lake Pilots' Roster when  
14 your two rosters are in operation?

15 A Oh, one could have as many -- and I  
16 am being realistic when I say this -- about six or  
17 seven -- in this vicinity. I am assuming that we  
18 might have six or seven vessels in port without  
19 certification, and these, of course, would require  
20 trans-lakes and

21 On that basis we would have our  
22 port pilot's trans lake pilots added to the port pilot  
23 roster.

24 Q And, vice-versa, did the port pilot  
25 appear on the trans lake roster also?

26 A No, he did not.

27 Q Now, let us assume that you have  
28 the dispatchership from the Lakehead downbound and  
29 without a "B" certificate, which requires a trans lake  
30





1 pilot. You would use, in such a case, the first name  
2 appearing at the top of this trans-lake pilotage  
3 roster?

4 A That is correct.

5 Q Now, where would the trans-lake  
6 pilot be relieved?

7 A Off his assignment in this parti-  
8 cular case?

9 Q Yes.

10 A It would depend to a great extent  
11 on the destination of the vessel. This vessel was  
12 downbound through the Seaway then he would in all  
13 probability be relieved at Port Huron.

14 Q In other words, he would go through  
15 the district to the open waters of Lake Huron? In  
16 other words, he would go out of his district?

17 A No; he would go just through his  
18 own district.

19 Q You say he would be relieved at  
20 Port Huron; am I correct?

21 A Yes, that is correct.

22 Q Well, Port Huron is outside of No.  
23 3 District, isn't it?

24 A It is on the boundary of No. 3.

25 Q Let us assume that this vessel  
26 goes down to Chicago on Lake Michigan. Would he,  
27 with her, proceed down to Chicago?

28 A Yes, he would.

29 Q And in that case he would go out  
30





1 of the geographical limits of District No. 3?

2 A No; Chicago is within the limits  
3 of District No. 3.

4 Q That is your interpretation of the  
5 geographical limits of District 2 and 3?

6 A Not of 2; I am not personally  
7 aware of the limits of District No. 2; but I am  
8 fairly conversant with District No. 3, and I do know  
9 from past experience that we have had pilots going  
10 directly to Chicago from the Lakehead and they have  
11 been District No. 3 pilots.

12 MR. LALONDE: The Great Lakes  
13 Pilotage Regulations, P.C. 61-623, define District  
14 No. 3 in Schedule A of the Regulations, as

15 "The Canadian waters of  
16 St. Mary's River connecting Lake  
17 Huron and Lake Superior as far as,  
18 in the northern approach, a line  
19 drawn approximately 020 degrees  
20 true from Point Iroquois light to  
21 the westward tangent of Jackson  
22 light."

23 MR BRISSET: Well, having heard  
24 the limits of District No. 3 you will see, Mr. Luckey,  
25 that a District No. 3 pilot going down to Port Huron  
26 will go out of those limits.

27 I am not saying he has no right  
28 to go out, mind you --

29 A I believe you will understand that  
30





1 our dispatch out of the Lakehead is that he takes the  
2 ship downbound in almost every instance -- well, I  
3 shouldn't say almost every instance because I really  
4 can't qualify that -- in most instances I know the  
5 pilot has gone through to Port Huron unless there has  
6 been a District No. 2 pilot available at the Soo.

7  
8 Q If there is a District No. 2 pilot  
9 available at the Soo for the Trans-Lake voyage across  
10 Lake Huron will your pilot be relieved?

11 A It is my understanding that he has  
12 to be relieved. I would have no control over that;  
13 it would be beyond my jurisdiction.

14 q And then he would return to his  
15 base by being dispatched by the Soo dispatching office?

16 A That is correct.

17 Q And he might do it on a ship coming  
18 up?

19 A Yes.

20 Q If the traffic permitted?

21 A Yes.

22 Q Now, do you dispatch pilots from  
23 the Lakehead Dispatching Office to other ports on Lake  
24 Superior? For instance, if a ship were to proceed to  
25 Algoma -- the iron ore dock -- requiring a pilot will  
26 a pilot be dispatched from your office?

27 A No; he would probably be dispatched  
28 from the Soo office.

29 You are speaking, I believe, of the  
30 Algoma dock?





1 Q Yes.

2 A Yes.

3 Q Are there any ports on Lake Superior  
4 to which you will dispatch a pilot within the Lakehead  
5 area?

6 A Yes, there is.

7 Q What are these ports?

8 A The port in question -- there is  
9 only one -- is Red Rock, Ontario. You will find that  
10 located in the Nipigon Straits.

11 Q Can you show us on the chart where  
12 that is?

13 A In this vicinity here (indicating)  
14 which I will circle.

15 Q And you have indicated that with a  
16 blue circle?

17 A A blue circle.

18 Q Now, what would be the procedure  
19 to use this pilot again? Would he be recalled to his  
20 base, or would he wait until the ship is ready to  
21 leave? Are there any working rules applying to such  
22 a case?

23 A Are you referring to a pilot that  
24 arrives at Red Rock?

25 Q Yes.

26 A In that instance he reports to the  
27 Lakehead Dispatch and we determine, if at all possible,  
28 the length of time which the vessel will remain within  
29 the confines of the port, and also whether or not the  
30





1 agent wishes to hold the pilot in detention.

2 Now, if there is no detention re-  
3 quired and if there is no work available for the pilot  
4 then he is returned to his station under the working  
5 rules that are available.

6 Q Have you had time during the lunch  
7 hour to review your records for 1963, to be able to  
8 tell us how many trans-lake dispatches were made during  
9 that year?





1  
2 A. I did quickly go through the dispatch  
3 sheets, and including dispatches of pilots on vessels  
4 from the Lakehead to Red Rock and vice versa, there  
5 were sixty trans-lake dispatches.

6 This may be subject to minor ad-  
7 justment. One or two. As I say, I did it very quickly.

8 Q Sixty trans-lake dispatches out of a  
9 total of 270?

10 A Correct.

11 MR. LALONDE: While we are on this  
12 subject, if I may, does this mean any dispatches out-  
13 side of the Lakehead itself?

14 THE WITNESS: Correct. In other  
15 words, movements from Lakehead to Duluth, to the Soo  
16 or to Red Rock or from Red Rock to the Lakehead.

17 MR. BRISSET: Q When you say to the  
18 Soo, it might include also a transit of Lake Huron or  
19 Lake Michigan?

20 A Correct.

21 Q I take it that when pilots are dis-  
22 patched from Duluth, from the Lakehead, it is done from  
23 the Duluth Dispatching Office?

24 A I don't quite understand your question.

25 Q If a pilot is to go on board a ship  
26 that proceeds from Duluth to the Lakehead, the dis-  
27 patching is done by the Duluth office?

28 A Oh, yes.

29 Q From their local roster?

30 A That is right.





1 Q One more question: Do pilots have  
2 to submit to you their statements of expenses?  
3

4 A No, they are not required to do so.

5 Q That is all submitted to the main  
6 office in Duluth?

7 A I am not at liberty to say as I do  
8 not know.

9 Q In other words, the statements of  
10 expenses of the pilots that are dispatched from the  
11 Lakehead are not checked or approved by you?

12 A No, they are not.

13  
14 CROSS-EXAMINATION BY MR. LALONDE:

15 Q Mr. Lucky, I would like to try to  
16 clarify a few points in your evidence, if I may.  
17 When a pilot is dispatched to another ship at the  
18 Lakehead when he is already detained aboard one ship,  
19 do I understand that the ship aboard which he was  
20 detained still pays detention?  
21

22 A Yes, if he is under detention they  
23 pay detention time.

24 Q Even if he is working on another  
25 ship in the meantime, for a movage?

26 A I recall only one instance where  
27 a pilot was under detention and was removed from the  
28 vessel to provide service to another vessel.

29 Q I see.

30 A And this was reported to the Duluth





1 office.

2  
3 However, I cannot say what they did  
4 with respect to the charges.

5 Q Then must I understand that you do  
6 not know whether detention is chargeable at the same  
7 time as the pilot is serving or was serving aboard  
8 the ship?

9 A I cannot answer.

10 Q This occurred only once you said to  
11 your knowledge?

12 A To my knowledge one time I did re-  
13 move a man for service elsewhere.

14 Q You said you had peak periods during  
15 the year, and slack periods, and last year you had  
16 about one pilot, one pilot and a half available I  
17 think in the harbour. Is that it?

18 A Yes.

19 Q Over the year?

20 A That is correct.

21 Q Can you tell the Commission what  
22 was the longest period in 1963 during which no pilot  
23 was required to perform any service in the Lakehead?  
24 Approximately?

25 A Just quickly I would say about  
26 seventeen or eighteen days. That is very quick.  
27 That is approximate.

28 Q I am not looking for an exact  
29 figure.

30 A No.





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1  
2 Q You mean to say that for seventeen  
3 or eighteen continuous days there was no ship move-  
4 ment in the harbour during the season?

5 A No.

6 Q No ship movement requiring a pilot  
7 on board?

8 A No. I can clarify that. There was  
9 this instance with two vessels that had come into  
10 port both with trans-lake pilots, and they had made  
11 one berth and were departing from that same berth,  
12 and the trans-lake pilots remained on board and took  
13 the vessels out as well.

14 There were no ships requiring a  
15 local pilot.

16 Q These two ships did not stay for  
17 seventeen days at the Lakehead?

18 A Oh, no.

19 Q They just loaded and left?

20 A That is right.

21 Q You had two ships come in during  
22 the period?

23 A Yes.

24 Q And in the meantime you had no call  
25 for any moveage in the harbour?

26 A No.

27 Q I suppose one could call this the  
28 slackest period during 1963?

29 A I would say it was the slackest  
30 period. Distressing period, as a matter of fact.





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1 Q Did you have any similar periods  
2 in 1962, for instance? You were there in 1962?

3 A Yes. There were similar periods in  
4 1962. However, there were vessel movements in 1962  
5 in which we did not provide service.  
6

7 I say "we" meaning District 3 pilots.

8 Q Did you have still at that time  
9 the former pilots who could do some work occasionally?

10 A Yes.

11 Q Did I understand this was stopped  
12 during 1962?

13 A It was stopped towards the end of  
14 1962. I do not know the exact date.

15 Q We will stick to 1963 then because  
16 it is supposed to be a more fair approximation of  
17 regular operations. Did you have any other period of  
18 a shorter length during the season but which would,  
19 we will say, approach a week during which there was  
20 no call for a pilot in the harbour itself?

21 A I believe there was a period in  
22 August.

23 Q Yes?

24 A Vessel movement was very slow. How-  
25 ever, at that time I believe we were without a pilot  
26 as well. Rather than retain a pilot to sit and do  
27 absolutely nothing, he was transferred to another area.

28 Q So he was sent to work in a more  
29 active port at the time?

30 A That is correct.





1 Q During those seventeen or eighteen  
2 days, did you have to keep a pilot in the Lakehead  
3 all that time in case a ship would come or what did  
4 you do?

5 A Well, first of all let me correct  
6 the days. This is only an estimate. It could probably  
7 be twelve.

8 Q Okay.

9 A A pilot was retained.

10 Q Excuse me. Let us put it another  
11 way. You think it would be below twelve, because if  
12 it is more seven than seventeen it makes some  
13 difference.

14 A No, I would say it is in the  
15 vicinity of twelve to seventeen, without checking it.

16 Q Yes. So you retained a pilot during  
17 that time?

18 A That is correct.

19 Q Is there any particular reason why  
20 he was retained, why he was detained at the Lakehead?  
21 You had no call for that pilot elsewhere at the time?

22 A There was no dire need for him  
23 elsewhere, but that justification for his need, also  
24 it was not up to me; it was up to the Duluth Office.

25 THE CHAIRMAN: Would this period of  
26 ten or seventeen days be caused by any stoppage of  
27 traffic down the Seaway? The stevedores or something  
28 like that?

29 THE WITNESS: I do not believe so.  
30





1                   The period I am thinking of is ap-  
2 proximately June 6th to the 22nd if my memory is  
3 correct; in that vicinity; last year.

4                   MR. LALONDE: Q   Yes. Then you had only  
5 one pilot remaining at the Lakehead?

6                   A       That is correct.

7                   Q       Now, I would like to go to the other  
8 extreme. Can you tell me in peak periods during the  
9 year how many men you did employ in order to service  
10 ships? You said the minimum was one man on the station  
11 or zero man for a while. How high did you go?

12                  A       In a particular given day?

13                  Q       Yes. In order not to keep ships  
14 waiting; to have the service. What was the highest  
15 number of pilots you had in the harbour to provide  
16 the service?

17                  A       In a particular 24-hour period?

18                  Q       Yes.

19                  A       It would be six.

20                  Q       You would have needed six pilots  
21 in the harbour in order not to keep the ships waiting?

22                  A       We have had six pilots in the  
23 harbour.

24                  Q       And they were all --

25                  A       To keep the vessels accommodated.

26                  Q       I presume that on such an occasion  
27 you would get them from Duluth and other stations?

28                  A       Fortunately some of them had ar-  
29 rived on vessels inwards and were available outwards.  
30





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Q I see.

A And there were I believe two pilots brought in.

Q Did you have other occasions during the year when you had this larger number of men being called upon to perform services at peak periods?

A Not that volume, no.

Q Did it go to four sometime?

A It would be confined to three or four.

Q Did I understand you to state definitely there were periods when you needed three or four men to do the work?

A Yes.

Q Did this occur more than once in the season?

A I would estimate it had about six or seven times during the season.

Q Now, do you recall the times when, let us say, other ports had a peak period and you were called upon to send men over there to help them out?

A Yes.

Q To which ports would you have sent these men last year?

A I actually sent them to all the dispatch areas, Duluth, Soo, Chicago, Port Huron.

Q You said you remembered two cases of delays in 1963. Are these the only cases which





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1 had occurred to your knowledge?

2 A That I can recall quite easily, yes.

3 Q Yes. I did not quite follow your  
4 first case. Did you tell me you had a sudden call  
5 for a pilot and could not provide one or did you have  
6 a long notice the first case?

7 A Well, if you wish, I can almost  
8 give it to you in detail. Starting initially at one  
9 o'clock I was called by the agent, and advised he  
10 expected A vessel to move shortly, and he would call  
11 me as soon as he needed a man.

12 Q Yes.

13 A And at three o'clock in the after-  
14 noon the second agent called, required a man.

15 Q Yes?

16 A And the only man available was  
17 dispatched at four o'clock in the afternoon. A agent  
18 called again and wanted to know where his man was.  
19 He was politely told that he had not requested him;  
20 he just advised me that there was a possibility.

21 Q Yes?

22 A So they made a definite request,  
23 and of course delay was involved.

24 Q You had to call a man from Duluth  
25 then?

26 A No, the delay was caused by us  
27 having to wait for the pilot to complete the first  
28 move and go to the second.

29 Q Was this particular agent Mr. Mann  
30





1 or Captain Mann or the other agency?

2 A Actually there was an involvement  
3 with Captain Mann on his vessel at that particular  
4 time. But the agent involved was Lake Superior  
5 Shipping.

6 Q That is the other agent?

7 A That is the other agent.

8 Q He is the one who had just told you  
9 that he would need a pilot but he didn't know when?

10 A There were two people involved with  
11 the agency, and it appeared that one did not know  
12 what the other was doing.

13 Q You stated you had some Americans  
14 on the local roster in the Lakehead during the year.  
15 I presume you also had Canadian pilots on the roster  
16 in American ports during the year just the same? I  
17 mean the reverse was true?

18 A Yes, that would be true.

19 Q You said you met with the Lake  
20 Shippers' Association about problems created by short  
21 notices?

22 MR. BRISSET: Grain shippers.

23 THE WITNESS: Lake Shippers Clearance  
24 Association.

25 Q You said following that meeting  
26 there was an improvement in the situation for a short  
27 while, I think you said?

28 A That is right. One that I could  
29 notice.  
30





1  
2 Q Yes. There was an improvement which  
3 you could notice following this meeting?

4 A Right.

5 Q Do I understand that the situation  
6 reverted to its old track after a while? Is that what  
7 you mean?

8 A I am not in a position to say that  
9 it has actually reverted, but the impression insofar  
10 as the length of time we get to dispatch a pilot leads  
11 me to believe that it may have reverted to the old  
12 track.

13 Q For a time after that meeting you  
14 would get longer notices; is that correct?

15 A That is correct.

16 Q Then the notices started shortening  
17 again; is that correct?

18 A That is right.

19 Q Do you know who is the Lake Shippers  
20 Clearance Association? Is that a group of elevator  
21 owners or what?

22 A I have often tried to really get  
23 down to the bare facts on that myself, but I haven't  
24 been able to. My understanding is it is an association  
25 formed by the shippers to dictate loading locations.

26 MR. LALONDE: Thank you very much.

27 THE CHAIRMAN: Are you aware of any  
28 difference with regard to the charges to be made for  
29 moveage in the Lakehead?

30 THE WITNESS: I know there is a





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1 difference in the amounts of charges depending on  
2 whether a Canadian or American pilot.

3 THE CHAIRMAN: With regard to the  
4 actual bill being sent, whether there is a pilot  
5 available at the Lakehead or whether there is no pilot  
6 available at the Lakehead, and when a pilot is being  
7 called from Duluth, for instance, and making two or  
8 three moveages, what happens?  
9

10 Do you know anything about that?

11 THE WITNESS: I am sorry, I cannot  
12 answer that.

13 THE CHAIRMAN: With regard to dis-  
14 patching of pilots, how do you go about the period  
15 of rest that would be allowed?

16 THE WITNESS: We really haven't en-  
17 countered the problem of rest to any great extent.  
18 Our main problem insofar as rest did occur at a time  
19 when we had one pilot on duty, and the number of moves  
20 was considerable within one day or within a period of  
21 time.

22 That is, there were two occasions  
23 where it was almost one move right after the other,  
24 and inasmuch as we had only one pilot available,  
25 there was not any choice but to dispatch him.

26 However, in the early part of the  
27 year when the traffic was fairly heavy and it became  
28 obvious we could not handle it with just one man, a  
29 second man, this being an American pilot, was brought  
30 up from Duluth.





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1  
2 He assisted the Canadian pilot with  
3 the port pilotage. In so doing there was sufficient  
4 time for a rest for both parties.

5 THE CHAIRMAN: Without any calculated  
6 risk?

7 THE WITNESS: That is right.

8 THE CHAIRMAN: Let us say if you  
9 have somebody coming from the Lakes after a long trip,  
10 if you have a move to make right then, are you going  
11 to ask him to do it?

12 THE WITNESS: In instances where  
13 this has arisen the pilot was dispatched and I did not  
14 have any notation or any remark passed on to me by  
15 the pilot that he was too tired. On the basis that  
16 he accepted the assignment he was dispatched.

17 THE CHAIRMAN: I understand that  
18 there are tugs available at the Lakehead?

19 THE WITNESS: That is correct.

20 THE CHAIRMAN: Do you have anything  
21 to do with the dispatching of tugs?

22 THE WITNESS: No, not directly, al-  
23 though I have on occasion been requested by the agent  
24 to call the tug company and request a tug or tugs to  
25 assist the vessel on, well, I could think of a dozen  
26 occasions offhand.

27 THE CHAIRMAN: What about linesmen?

28 THE WITNESS: This is not in our  
29 jurisdiction.

30 THE CHAIRMAN: You are never asked





1 by the agents for linesmen? The agents do that them-  
2 selves, I suppose?

3 THE WITNESS: Fortunately the lines-  
4 man is also the pilot boat operator. He operates the  
5 linesman service. On occasion the agent will call  
6 and say: "Will you ask the linesman, to go out to  
7 get the linesman.", when he is taking a pilot out or  
8 taking a pilot off, as the case may be.

9 Usually when the information for  
10 the removal of the pilot or the placement of the  
11 pilot on board is conveyed to the pilot boat operator  
12 he knows full well he must also supply a linesman.

13 RE-EXAMINATION BY MR. JACQUES: Q On that particular  
14 day when you had a maximum of six pilots the dis-  
15 patching was not limited to moveages in the Harbour,  
16 was it?

17 A No, it would be also to trans-lakes.

18 Q Do you recall how many trans-lake  
19 dispatches you had?

20 A Not accurately, not without  
21 reference. Taking a guess, three.

22 Q Three trans-lake dispatches and  
23 the rest of them were moveages?

24 A Right.

25 Q Do you know if the pilots left on  
26 the Lakehead <sup>did</sup> more than one move each?

27 A I could not truthfully say.

28 MR JACQUES: Thank you, sir.

29 MR. BRISSET: Mr. Lucky, when you  
30





1 had those two ships come in with trans-lake pilots  
2 during the slack period of 12 or 17 days did they  
3 remain on board on detention while the ship was loading?

4 THE WITNESS: Yes, they did remain.

5 MR. BRISSET: Thank you very much,  
6 Mr. Lucky.

7 THE CHAIRMAN: Thank you, Mr. Lucky.

8  
9  
10 ---WITNESS WITHDREW

11  
12 ---

13  
14 CAPTAIN ALCID MALLETTE, sworn

15  
16 DIRECT EXAMINATION BY MR. JACQUES:

17  
18 Q Would you state your full name,  
19 please?

20 A Captain Alcid Mallette.

21 Q And your age is 57?

22 A 57.

23 Q You are a pilot in District No. 3?

24 A No. 3, yes.

25 Q You were licensed on June 11th,  
26 1962, I believe?

27 A 1962, that is right.

28 Q I imagine that you had previous  
29 sea experience before becoming a pilot; is that  
30 correct?





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A Yes, sir. I sailed all my life.

Q Would you describe your sea experience, please?

A Well, I was with Mohawk Navigation and Beaconsfield Steamship since 1921.

Q From 1921 to 1962?

A Yes.

Q Continuously?

A For the same company, yes, except a few years in the Depression I had work outside and then went back with them.

Q I see. And did you obtain a certificate of any kind as master?

A Yes, sir; I have my master's licence.

Q Of what?

A Master inland and mate on trade.

Q When did you obtain your master inland certificate?

A 1938.

Q And your mate on trade?

A Same year.

Q Did you sail as master of lake boats?

A Yes, sir.

Q How long did you sail?

A From 1941 up until 1961.

Q What type or what class of ships did you sail as master?

A I was on canal boats and upper lakers.

Q What would be the tonnage or the size





1 of the Upper Lakers on which you served as master?

2 A Captain C.D. Secord was the last  
3 one I was on. She is around 600 feet.

4 Q Did you ever sail outside the Great  
5 Lakes Basin?

6 A Well, just down the coast for pulp  
7 and stuff like that.

8 Q How far down the coast?

9 A For as far as Southern Island,  
10 Gaspe and those places -- Newfoundland.

11 Q Did you ever sail on ocean-going  
12 ships?

13 A No, sir.

14 Q Never?

15 A Well, I did for a company I was with  
16 there in 1923. They had some deep sea ships up the  
17 Lakes which were chartered and I was steering on them.

18 Q You were steering on deep sea ships  
19 on the lakes?

20 A Yes, for the pilot. The pilot  
21 carried his own wheelsman at that time.

22 Q That was when?

23 A 1923.

24 Q This is very interesting. There was  
25 a pilot on board?

26 A Yes, sir.

27 Q Was he not called the sailing master  
28 then?

29 A They were called sailing masters.  
30





1 They stayed aboard all the time, all summer, and I  
2 steered for them. I was hired as wheelsman for the  
3 pilots.  
4

5 Q For the pilots?

6 A Yes.

7 Q And there was the usual crew also  
8 on board the ship?

9 A They steered on the lake. I steered  
10 in the canals, in the rivers.

11 Q Who paid you -- the ship or the  
12 pilot?

13 A The company did, the agent.

14 Q To come to your experience as  
15 master, in which part of the Great Lakes' basin did  
16 you trade?

17 A With deep sea ships do you mean?

18 Q No, no, as master?

19 A All over.

20 Q The five Lakes?

21 A All over the Lakes and Georgian Bay.

22 Q Would you tell the Commission how  
23 you came to join the pilotage service?

24 A Well, I left where I was. I was not  
25 satisfied any more and I left. Then I applied for a  
26 job.

27 Q Yes, but who told you there was a  
28 pilot's job available?

29 A Well, it came out in the newspaper.  
30 I filled in my application.





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Q Were you interviewed?

A Yes, sir, I was, in Montreal.

Q By whom were you interviewed?

A Captain Seeley and a Captain Miller,  
I think.

Q Just the two of them?

A There was another gentleman there.  
I do not think he was in the same department though.

Q What sort of interview did you have?

A They asked me about the  
lights on the Lakes and the gas buoys and courses  
and stuff like that.

q Then how long was it afterwards  
that you got news that you were accepted?

A Well, in June -- June 10th they  
called me.

Q For the exam?

On what date did they call you for  
the examination?

A Around March.sometime. I could not  
say for sure -- around March.

Q And they called you up in June?

A In June, yes.

Q How did you obtain information as  
regards salary and working conditions?

A Well, as far as the salary, it was  
marked on the newspaper what they were going to pay  
and there was no more question mentioned about the  
salary.





1  
2 Q What about the working conditions?

3 Did not someone tell you about the number of days a  
4 week you would work or the number of hours per week  
5 you would be called upon to work?

6 A No. They gave me a set of rules.

7 Q Would you have that set of rules  
8 with you?

9 A Yes, right here.

10 MR. JACQUES: My Lord, I should like  
11 to file as Exhibit 1090 a document entitled Pilots'  
12 Working Rules Great Lakes Pilotage District No. 3,  
13 dated at Ottawa 1962.

14  
15 ---EXHIBIT NO. 1090: Pilots' Working Rules  
16 Great Lakes Pilotage  
17 District No. 3.

18 Q When did you first get this document?

19 A They gave me that in Ottawa when  
20 they called me on the 10th June. I had to go up to  
21 Ottawa and get my doctor examination and they gave me  
22 all the forms.

23 Q They gave you this document?

24 A This, that and an expense sheet.

25 Q And you were not at any time told  
26 that your work would be so many hours per week?

27 A Just by which rules there were  
28 marked in them, that is all.

29 Q Would you point it out to me in  
30 these rules, please?





Mallette Dr Ex  
(Jacques)

14999

1  
2 A Yes. (Indicating.)

3 MR. JACQUES: I do not think we  
4 can trace the number of hours, My Lord, in this  
5 document. Anyway it will be inspected later on.

6 Q Referring to Exhibit 1016, would  
7 you explain to us in which areas you worked?

8 A I worked from Sarnia and sometimes  
9 up to Lake Michigan and any port on Lake Michigan.

10 Q Yes?

11 A Or from Sarnia up to Duluth or  
12 Lakehead.

13 Q So your home base is Sarnia?

14 A No; my home port is Fort William.

15 Q And you do pilotage in Lake Huron?

16 A Yes.

17 Q Michigan and Superior?

18 A Yes, sir, and Georgian Bay and the  
19 Sault Ste Marie River to Georgian Bay. I have not  
20 been there, but it is included.

21 q In the areas where you may be  
22 called upon to work?

23 A Yes, sir.

24 Q Since you have been a pilot which  
25 ports did you go or in which area did you travel?

26 A All over.

27 Q All over?

28 A All over the area that I mentioned.

29 Q Would you go down Lake Michigan?

30 A Yes, sir.





Mallette Dr Ex  
(Jacques)

15000

1  
2 Q Lake Superior?  
3 A Yes, sir.  
4 Q What ports in Lake Superior did  
5 you go to?  
6 A Duluth and Red Rock and the Lakehead.  
7 Q And Lake Michigan?  
8 A Muskegon and Indiana Harbour,  
9 Chicago, Milwaukee, Kenosha, Green Bay, Sturgeon Bay.  
10 Q And in Lake Huron?  
11 A In Lake Huron I was in Saginaw.  
12 Q And apart from that?  
13 A Well, that is the only port on Lake  
14 Huron that I have been.  
15 THE CHAIRMAN: Of course I suppose  
16 you went as far as Port Huron also?  
17 THE WITNESS: Yes, as far as Detour  
18 and right up.  
19 MR. JACQUES: Q Would you, for  
20 the benefit of the Commission give us an example of  
21 one of your long trips last summer -- where you  
22 boarded and where the ship went and through which  
23 waters you went?  
24 A I boarded the Jap ship --  
25 Q A Japanese ship? Yes -- where?  
26 A At Port Huron. It was foggy. I  
27 went all the way right up to Chicago. I got there  
28 and I had orders right away to step on another one.  
29 Q If you wish we will stay with the  
30 Japanese ship for a while. She had no Grade B





1 certificate on board?

2 A No.

3 Q So you did all the piloting?

4 A Yes, I stayed on all the way there.

5 Q How long did it take you from Port  
6 Huron to Chicago?

7 A I would have to check that. It  
8 would depend on her speed. They are not all the same  
9 speed.

10 Q Was it a three-day trip, a four-day  
11 trip? I see you have your notebook.

12 A No, she is fast enough.

13 Q Perhaps during the adjournment you  
14 could look through your book and see if you can find  
15 out?

16 A Yes.

17 Q Is there a normal pattern of your  
18 work? Do you make more trips in one direction to one  
19 place more often than to other places?

20 A It all depends on where they come  
21 up, where we are dispatched and the way they come.

22 Q There is no general pattern?

23 A No.

24 Q Could we say that the majority of  
25 your trips are from Port Huron to the Lakehead?

26 A No, sir. I was at Lakehead for  
27 about a month and a half last Spring -- a little over  
28 a month.

29 Q On the local roster?  
30





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TORONTO, ONTARIO

Mallette Dr Ex  
(Jacques)

15002

1 A Just on the harbour work. From  
2 there I went on the trans-lake -- that is, from Port  
3 Huron to Lake Michigan and any place up above. From  
4 there I was shipped to Chicago for a while doing  
5 harbour work.

6 Q Doing harbour work in Chicago?

7 A Yes. From Chicago I went back on  
8 trans-lake and from trans-lake I was in the Soo River  
9 for a while.

10 Q In -- ?

11 A The Sault Ste Marie River.  
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Mallette Dr Ex  
(Jacques)

15003

1  
2 Q Now, we have heard about the pilot  
3 work in the Lakehead. Would you tell us about your  
4 work when you are dispatched from Port Huron? How are  
5 you dispatched?

6 A We are dispatched from Port Huron.

7 Q Is it the procedure as outlined by  
8 Mr. Lucky which is followed?

9 A Just about the same.

10 Q Is there such a thing as a fixed  
11 number of hours of rest between trips?

12 A No, no; because I have been up  
13 there an hour, or an hour and a half and then sometimes  
14 back out.

15 Q Is there such a thing as a fixed  
16 notice of so many hours or so many minutes before you  
17 are called upon to go on board a vessel?

18 A Not in Port Huron; because I live  
19 in Sarnia; I board at Sarnia; and I arrange with the  
20 fellow in the office not to call me too much ahead of  
21 time; and I am quite near and he can call  
22 me ahead half an hour.

23 Q You board the ship at Sarnia?

24 A I don't like them to call me too  
25 much ahead of time and lose a little sleep. If I am  
26 going to go there he calls me half an hour ahead of  
27 time.

28 Q How do you board at Sarnia?

29 A We have got to go down to the  
30 docks and get on the pilot boat and go out to the





1 channel and get to the ship.

2 Q You go out to the channel and board  
3 the ship?

4 A Yes.

5 Q As he sails up?

6 A Yes; and the other pilot gets off.  
7 When I am up on the bridge the other pilot gets off.

8 Q You go out to the light ship?

9 A Sometimes we get on before the  
10 light ship, and by the time the other fellow gets off  
11 he is up to the light ship.

12 Q And you then change pilots?

13 A Yes.

14 Q If you are boarding ships at Port  
15 Huron are they invariably ships with a Grade "B"  
16 licence aboard?

17 A They have got to have no B certi-  
18 ficate if I am taking them across the lake.

19 Q They have to be without a Grade B  
20 certificate --

21 A Or I wouldn't be aboard the ship;  
22 they don't need a pilot.

23 Q Your lake work is strictly confined  
24 to vessels without Grade B Certificates aboard?

25 A Yes.

26 Q If this ship has a Grade B certi-  
27 ficate and she is going up to the Lakehead where would  
28 the pilot board the ship?

29 A At Detour; the entrance to the Sault  
30





1 Ste. Marie River.

2 Q And where would he get off

3 A Buoy 45, just on the north side of  
4 Gros Cap.

5 Q And that is at the northern en-  
6 trance to the Soo?

7 A Yes.

8 Q They wouldn't cross the lake with  
9 the ship?

10 A If it has got a B licence he doesn't  
11 need me.

12 Q But sometime does it happen that  
13 they stay aboard the ship just the same?

14 A I never did it.

15 Q Do you know if other pilots do  
16 that -- stay with the ship?

17 A I can't tell you what anybody else  
18 does.

19 Q So your job, when the ship has a  
20 Grade B certificate, is strictly to the Soo from Detour  
21 or Gros Cap, or vice versa?

22 A Wherever I am staying.

23 Q But the pilot's work?

24 A The pilot's work is the Soo River.

25 Q And on ships without a B certifi-  
26 cate you do lake work?

27 A Yes.

28 Q If there is a ship bound from Port  
29 Huron to the Lakehead without a B certificate you  
30





1 would board the ship at Sarnia, as you say?

2 A Yes.

3 Q Port Huron light vessel?

4 A Yes.

5 Q And you would take her right up to  
6 the Lakehead?

7 A Wherever she is going.

8 Q Right up to the Lakehead? You  
9 wouldn't be relieved at Detour?

10 A No.

11 Q You would take her through the Soo  
12 and across Lake Superior?

13 A Yes.

14 Q When you do lake work are you always  
15 on the bridge?

16 A No, not always; but usually I tell  
17 them -- show them -- the recommended courses. We show  
18 them where they are and tell them to call us, leaving  
19 Port Huron.

20 Q Say you board at Lake Huron and  
21 are going to Chicago?

22 A Yes.

23 Q You board the ship at Port Huron  
24 and you set the course and then what do you do?

25 A They call me at Thunder Bay Island.

26 Q And what are the hours from Port  
27 Huron to Thunder Bay Island?

28 A It is done in four or five hours.

29 Q And what do you do during that time?

30





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A I rest.

Q You put your feet up?

A If I can't sleep I rest my feet.

Q And then when you get to Thunder  
Bay Island what happens?

A I stay up then until we are about  
Lansing Shoal.

Q Do you take over the navigation of  
the ship at Thunder Bay Island?

A Well, I stay with whatever mate is  
on watch -- tell him what course to steer.

Q Do you give any orders to the man  
at the wheel, or give engine orders?

A All my orders go to the mate or the  
officer on watch.

Q And would you describe your work  
going through the Straits of Mackinac? Do you give  
the engine movements?

A No.

Q It is just navigation?

A It is just navigation.

THE CHAIRMAN: The Straits of  
Mackinaw -- is that restricted waters?

MR. JACQUES: No, My Lord.

MR. JACQUES: Q When you have entered  
Lake Michigan do you stay on the bridge right down to  
Chicago?

A No.

Q Where are you relieved, as it were,





1 by the mate, or where do you ...

2  
3 A At Lansing Shoal -- after we have  
4 passed Lansing Shoal.

5 Q After you have passed Lansing Shoal?

6 A Yes; we wait 'til we are up 30  
7 miles and then we change course and go up the lake.

8 Q You wait from 30 miles ... ?

9 A 30 miles past Lansing Shoal.

10 Q And on the average ship how long  
11 does it take you from Thunder Bay Island til 30 miles  
12 past Lansing Shoal?

13 A On the average ships, six or seven  
14 hours.

15 Q You have been on the ship four or  
16 five hours before and six or seven hours to go through  
17 the Straits of Mackinac, and from that point 30 miles  
18 past Lansing Shoal how long will it take you to go  
19 down to Chicago and what would you do on the bridge  
20 in that period?

21 A Well, I go on the bridge once in  
22 a while and tell them how far we should be off with  
23 each place; like when I was sailing a boat, with my  
24 mate.

25 Q When you were a master?

26 A Yes.

27 Q And how long a run is it?

28 A It takes twelve hours.

29 Q Down to Chicago?

30 A Yes.





Mallette Dr Ex  
(Jacques)

15009

1  
2 Q And upon arrival in Chicago would  
3 you take the ship inside the harbour?

4 A Yes.

5 Q And dock the ship?

6 A Yes, dock the ship.

7 Q Would the same pattern repeat it-  
8 self going through Lake Superior?

9 A Yes, the same thing.

10 Q Where would you be relieved in  
11 Lake Superior?

12 A Gros Cap; I go up to White Fish  
13 Point.

14 Q White Fish Point?

15 A Yes.

16 Q And then the mate takes over?

17 A Yes.

18 Q And how long would it normally be  
19 before you were called to the bridge again?

20 A It all depends. Sometimes I am  
21 called at Passage Island if we are going to the Lake-  
22 head.

23 Q And that would be how many hours?

24 A It would be about twelve hours.

25 Q And you would be able to rest?

26 A Yes.

27 Q That is, of course, in fine weather?

28 A Yes.

29 Q In thick weather what would you do?

30 A In thick weather I would stay on





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Mallette Dr Ex  
(Jacques)

15010

1 the bridge.

2 Q All the time?

3 A All the time.

4 Q Maybe twenty-four hours?

5 A Yes.

6 Q Does it exceed twenty-four hours  
7 sometimes?

8 A Sometimes it does.

9 Q Do you use a pilot boat at Port  
10 Huron light vessel?

11 A Yes.

12 Q And at Detour?

13 A At Detour.

14 Q And what sort of boat have they  
15 got at Detour?

16 A It is a fish boat.

17 Q Is it especially fitted out for  
18 pilots?

19 A He has got the telephone on.

20 Q Is it an American boat or a  
21 Canadian boat?

22 A An American boat.

23 Q How big is it, approximately?

24 A Oh, I would say she would be about  
25 30 feet long.

26 Q And is she decked -- has she got a  
27 deck and a house?

28 A Yes, she has got a house on.

29 Q And how much of a crew does she  
30





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Mallette Dr Ex  
(Jacques)

15011

1  
2 carry?

3 A Two men.

4 Q There is a radio-telephone on board?

5 A Yes.

6 Q How many boats have they got at  
7 Detour?

8 A Just one.

9 Q And has it ever broken down?

10 A I never heard of it yet.

11 Q You don't know if they have got a  
12 standby boat somewhere?

13 A No, I wouldn't know.

14 Q And at Gros Cap is there a pilot  
15 boat there?

16 A Just the one.

17 Q Just the one pilot boat?

18 A Yes.

19 Q Is it also especially for pilots?

20 A The same thing -- the same as the  
21 other one.

22 Q The same ...

23 A The same kind of boat.

24 Q With a radio-telephone aboard?

25 A Yes; and two men.

26 Q Do you know if these two boats --  
27 have you inspected or looked at the life-saving  
28 equipment?

29 A Yes; they have got life-belts for  
30 us.





1  
2 Q Do you know if they have got a  
3 licence to carry pilots, or passengers?

4 A They have got the coast guard look-  
5 ing after them.

6 Q What about the other places? If you  
7 are called upon to go, say, from the station in Chicago  
8 do you go out and meet the ship coming in?

9 A Yes.

10 Q What sort of boat have you got there?

11 A We have got a tug boat there.

12 Q You go out with a tug?

13 A You go out on a tug.

14 Q And what about Duluth?

15 A At Duluth they have got two pilot  
16 boats.

17 Q Two pilot boats?

18 A Yes; and there are two fellows on  
19 the job.

20 Q Do you know who owns these boats?

21 A No. There is a fellow named Green  
22 and ...

23 Q You don't know who owns these boats?

24 A Green is the owner of one of them;  
25 the other I don't know.

26 Q You don't know who the owner of the  
27 other is?

28 A No.

29 Q There has been some talk of detention  
30 on board vessels. Have you been detained on board





1  
2 vessels last year?

3 A Sometimes they do; on Lake Michigan  
4 they never keep us aboard.

5 Q If you were to go to Chicago they  
6 wouldn't keep you aboard?

7 A No, not in Chicago.

8 Q Where would you be kept on board?

9 A Maybe Milwaukee or Kenosha and places  
10 like that they want to keep us.

11 Q In all those ports where you take  
12 ships have they got tugs available?

13 A Some of them have; some don't.

14 Q Has it ever happened that you would  
15 refuse a tug because you wouldn't think that the crew  
16 of the tug was competent, or experienced enough?

17 A No.

18 Q Have you had experience where there  
19 would be a dispute between the pilot and the tug  
20 owner?

21 A Not that I know of; not myself, no.

22 THE CHAIRMAN: But generally you  
23 have nothing to do with the calling of the tugs?

24 A No; the agent calls the tugs.

25 Q How do you pass on orders to these  
26 tugs?

27 A We have got an F.M. phone.

28 Q Do you use the radio-telephone?

29 A Yes.

30 Q Does it work satisfactorily?





1  
2 A It does -- in some cases it does.

3 Q Don't you find that when the tug  
4 gets under the bow of the ship you can't reach the  
5 tug any more?

6 A Not with a Great Lakes tug. Some-  
7 times we do experience it that they can't hear -- but  
8 not with the Great Lakes tugs.

9 Q Have you got a set of agreed signals  
10 between you and the tug?

11 A Yes; we use the whistle when she  
12 can't hear us.

13 Q What kind of whistle -- a mouse  
14 whistle or a ship's whistle?

15 A A ship's whistle.

16 THE CHAIRMAN: And you will use  
17 the ship's whistle, of course, for one tug, or for  
18 both tugs when you have two?

19 THE WITNESS: We can use it for  
20 both tugs.

21 THE CHAIRMAN: And, of course,  
22 you will have separate signals for the stern tug and  
23 the other one?

24 THE WITNESS: Yes.

25 Q Now, we are given to understand  
26 that your travelling expenses in some cases are paid  
27 by the ship?

28 A Yes.

29 Q Do you have any difficulty in  
30 settling these claims?





1  
2 A No.

3 Q Does the Department of Transport  
4 pay some of your travelling expenses?

5 A They do -- some of them.

6 Q Some of them?

7 A Yes.

8 Q Which ones?

9 A Well, like, in Sarnia up to last  
10 Fall there -- in Sarnia the ships paid them -- the ship  
11 we got off of paid for everything. If it lasted two  
12 or three days they paid the expenses until we got on  
13 the next one.

14 Last Fall that was all changed.  
15 After twenty-four hours -- they pay for the first  
16 twenty-four hours and then after that we have got to  
17 put in a claim to the Department of Transport.

18 Q Let me get this straight. Your home  
19 is in Montreal?

20 A Yes.

21 Q And you come up during the summer  
22 to do this work on the Great Lakes?

23 A Yes.

24 Q Where do you establish your home  
25 on the Great Lakes?

26 A In my suitcase. I carry my bag  
27 with me all the time.

28 Q Are all your travelling expenses  
29 and hotel expenses paid throughout the Summer?

30 A In Fort William I pay my own board.





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Mallette Dr Ex  
(Jacques)

15016

Q But anywhere else you are reimbursed?

A Yes.

Q If you are sent to Chicago for a few days and put on the local roster your hotel expenses and living expenses are paid?

A Yes.

Q And who pays them?

A Ottawa.

Q Ottawa pays them?

A Yes.

THE CHAIRMAN: Do you still have any questions?

MR. JACQUES: Yes.

THE CHAIRMAN: Then, we will adjourn for ten minutes.

---SHORT RECESS





1 English

2 ---UPON RESUMING

3 Q. Captain, when you first became  
4 a pilot, had you handled deep sea ships before the  
5 piloting stint?

6 A. No, not deep sea ships. When  
7 I was on the lake boat, it was often similar to deep  
8 sea. The last lake boat I was sailing was built the  
9 same way, bridge amidships.

10 Q. Did you find much difference,  
11 a marked difference in handling a deep sea ship as  
12 opposed to a laker?

13 A. Well, it all depends. Sometimes  
14 you start out with them and they are in good shape  
15 and good trim, so you go to Sault Ste. Marie River,  
16 we go up the locks and they handle good and are in  
17 good shape. When they get out on the lake, they  
18 pump all the ballast out. Don't say a word. When  
19 you come to make a dock, the man thinks she is not  
20 the same ship as she was before. It turns out that  
21 the wheel is out of order. She is all pumped out.

22 Q. That creates difficulties?  
23 Do the Masters not tell you that they have changed  
24 the trim of the ship?

25 A. They don't. They don't.

26 Q. You have to enquire each time?

27 A. You have to enquire, and if  
28 you forget about it you are in bad shape sometimes.

29 Q. In the course of your work do  
30 you have to put men on the lock walls with the landing





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Mallette, dir  
(Jacques)

15018

1 English

2 boom?

3 A. At the Soo we got to put  
4 two men out.

5 Q. What do you think of this  
6 operation for deep sea ships?

7 A. They got two men on the lock  
8 wall or on the pier below the wall. Below the lock.  
9 There is two canal men there.

10 Q. Yes?

11 A. But the rule calls for two of  
12 our men to go too.

13 Q. Do you find that salt water  
14 seamen have difficulties in landing on the lock wall?

15 A. Well, at the Soo it wouldn't  
16 matter which because there is two men there to take  
17 the lines anyhow, but if you got to use them some  
18 places where there is nobody on the dock to take your  
19 lines, you are in bad shape. It happened to me last  
20 year.

21 Q. What about equipment to handle  
22 lines on deep sea ships? Do you find it is adequate?

23 A. Very slow because for us, as  
24 soon as we are past the Soo, the lock at the Soo,  
25 they clear everything. All their winches are moored  
26 and they have put cargo winches, all the cargo wires  
27 and everything on the winches, and all they got is  
28 bow and stern lines to use, which is very slow to  
29 handle.

30 Q. Now, we filed one document,





1 English

2 work rules. Apart from that have you been supplied  
3 with any other documents by either the Department of  
4 Transport or the American Pilots Association?

5 A. I got these.

6 Q. Speak much louder, please.

7 A. I got these two from the  
8 Americans.

9 Q. One of them --

10 A. This was the first one last  
11 summer, and we got this one in October.

12 Q. The first one is the working  
13 rules already filed by Mr. Lucky. The second one  
14 which the witness has mentioned is entitled Joint  
15 Interpool Working Rules, Great Lakes Pilotage Districts  
16 #2 and #3. I believe this has been filed already.

17 Do you find that the  
18 responsible people for dispatching and for the  
19 administration of pilotage live up to these rules?  
20 Are they in fact applied to the best of your knowledge?

21 A. Up in our District they are.

22 Q. Up in your District?

23 A. Yes, that is right.

24 Q. Are there any navigational  
25 hazards in your District such as strong currents,  
26 difficult passages?

27 A. There is in the Soo River.

28 Q. How does it run? Does it run  
29 parallel with the river?

30 A. It runs down the river.





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TORONTO, ONTARIO

Mallette, dir  
(Jacques)

15020

1 English

2 Q. Downriver?

3 A. Yes.

4 Q. Does that create difficulty  
5 in handling ships?

6 A. Well, it does in the steering  
7 of them. Going through the cut there. In the Soo River  
8 there is five cuts there.

9 Q. Do you experience difficulty  
10 when you are navigating with the current or against  
11 the current?

12 A. With is the worst.

13 Q. Do you have much fog?

14 A. Quite a bit of fog in the Soo  
15 River.

16 Q. Do you anchor in case of fog?

17 A. Sometimes we do and sometimes  
18 if we think we can keep on going, we do.

19 Q. Do you use radar?

20 A. Yes, sir.

21 Q. Have you taken any courses in  
22 radar?

23 A. Yes, sir.

24 Q. When did you take it?

25 A. Oh, it must have been in 1951  
26 at Marconi in Montreal.

27 Q. In Montreal?

28 A. When they put radar on the  
29 lake ships that I was on the company sent us up there.

30 Q. Have you taken courses sub-





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TORONTO, ONTARIO

Mallette, dir  
(Jacques)

15021

1 English

2 sequently, refresher courses?

3 A. Well, I use it enough. I  
4 work with it all the time.

5 Q. You have taken no courses?

6 A. No, sir.

7 THE CHAIRMAN: Before we  
8 proceed further, with regard to the difficulties in  
9 the Soo River, what about the locks? Do you have  
10 any more difficulty in one lock than the other? The  
11 Canadian one or the American one?

12 THE WITNESS: Well, Canadian  
13 locks, we could hardly use last year. There was only  
14 15 foot six of water in it on the sill, so we  
15 couldn't use it at all.

16 THE CHAIRMAN: So you used  
17 the American one?

18 THE WITNESS: American locks,  
19 that is right.

20 BY MR. JACQUES:

21 Q. Now, this is Exhibit 992,  
22 St. Mary's River Chart. At the bottom of the chart  
23 there is Detour Passage?

24 A. Yes, sir.

25 Q. Where would you board the ship?

26 A. Right there (indicating).

27 Q. We will indicate this area  
28 with a red circle and the letter A. Upon boarding  
29 the ship do you take over the navigation of the ship,  
30 the conning of the ship?





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Mallette, dir  
(Jacques)

15022

English

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A. Right there (indicating).

Q. You go up to the bridge and  
you give all the orders?

A. As soon as I get in the  
wheelhouse I put her on course.

Q. What difficulties would be  
encountered in Detour Passage?

A. Downbound ships.

Q. You have to watch downbound  
ships?

A. Yes.

Q. You indicate downbound ships  
pass between?

A. One Way Channel.

Q. They pass between Pipe Island and  
Gaffney Point?

A. Yes, sir.

Q. And you go round the island?

A. Around the island.

Q. You go east of the island?

A. Yes.

Q. When you pass Pipe Island are  
there any other difficulties going up the river?

A. Not as far as Johnson Point.

Q. Is it shown on this chart?

A. On the next chart.

Q. What about the current in this  
area north of Lime Island?

A. It is not too strong. It doesn't





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Mallette, dir  
(Jacques)

15023

1 English

2 bother us.

3 Q. Now we have turned to American  
4 chart #62, Exhibit 993. Where is Johnson Point?

5 A. Right there it is (indicating).

6 Q. I see there are two channels,  
7 one on each side of Neebish Island. The first one  
8 for upbound traffic and the other one for downbound  
9 traffic?

10 A. Yes, sir.

11 Q. Which is upbound traffic?

12 A. This one.

13 Q. The easterly one?

14 A. Yes.

15 Q. And downbound, the westerly one?

16 A. Yes.

17 Q. Are there any hazards or  
18 difficulties in either of those two channels?

19 A. Some short bends there and  
20 a lot of current.

21 Q. In this area?

22 A. Yes.

23 Q. Indicated with a large red  
24 circle. Have you ever run into trouble in that area?

25 A. No.

26 Q. Have you ever seen ships run  
27 into trouble in that area?

28 A. I have heard of them breaking  
29 their wheel, not making the turn fast enough and going  
30 too far dragging their wheels when they swing their





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Mallette, dir  
(Jacques)

15024

1 English

2 stern.

3 Q. Have you seen that happen?

4 A. No. I heard them on the phone.

5 Q. And north of Neebish Island I  
6 see that the two channels join together?

7 A. Yes.

8 Q. Do you have to follow separate  
9 lanes in that area or can you navigate in the middle  
10 of the channel?

11 A. In the middle there is a set  
12 of ranges up here.

13 Q. For upbound ships?

14 A. For upbound ships.

15 Q. Is there any hazard in this  
16 area?

17 A. No.

18 Q. North of Neebish Island?

19 A. No.

20 Q. There is no hazard?

21 A. Just the channel draught.

22 Q. I see. When you come up to  
23 Mission Point it seems very narrow.

24 A. Yes.

25 Q. Is there any danger or  
26 difficulty?

27 A. There is quite a bit of  
28 current there.

29 Q. When you say "there", where  
30 do you mean, at the bend off --





1 English

2 A. And all the way down the middle  
3 of Little Rapids Cut.

4 Q. There is current here down  
5 Little Rapids Cut?

6 A. Yes.

7 Q. What would the velocity be of  
8 that current?

9 A. About three to four knots.

10 Q. In all this area if you were  
11 caught in fog could you anchor anywhere?

12 A. Down on this lake here, on  
13 Lake Nicolet.

14 Q. Is there any other place  
15 where you could anchor?

16 A. Upbound you could anchor here.

17 Q. When you say "here"?

18 A. Upbound here, below Little  
19 Rapids Cut. I did anchor there.

20 Q. Could you anchor in Little  
21 Rapids Cut?

22 A. No, I wouldn't advise it anyway.

23 Q. Even upbound?

24 A. No.

25 Q. But if you were downbound and  
26 you were caught in fog, where would you be able to  
27 anchor?

28 A. You have to go down on Lake  
29 Nicolet.

30 Q. Then south of Lake Nicolet can





1 English

2 you anchor in the channel?

3 A. You have to go down here to  
4 Lake Munuscong.

5 Q. Is there any other comment which  
6 you would like to make concerning your work from Detour  
7 up to Mission Point before we move to the next chart?

8 A. No, sir.

9 Q. We now turn to American chart 63.  
10 Exhibit 994. We were at Mission Point?

11 A. Yes.

12 Q. From Mission Point would you  
13 point out the difficulties and hazards which you would  
14 encounter?

15 A. Well, from Mission Point you  
16 got to head for the Canal and check down.

17 Q. Is there any current there?

18 A. There is quite a bit of current.

19 Q. Yes?

20 A. You have got to check down and  
21 take it easy and be careful what is coming out of the  
22 Canal.

23 Q. I see. Are you in touch by  
24 radio-telephone with someone at the Canal?

25 A. Yes.

26 Q. At the lock?

27 A. Yes, sir. I call the tower  
28 at the lock and they tell me what is going on, if I  
29 got to slow down or keep coming or stop and wait.

30 Q. I see.





1 English

2 A. And they tell us how the wind  
3 is, how strong the wind is.

4 Q. Why would you need that  
5 information?

6 A. Well, there is three locks  
7 in use right now -- four locks but they use three,  
8 and they inform us of the wind and everything so we  
9 can ask whichever side we like better to land with the  
10 wind.

11 THE CHAIRMAN: Is the tower  
12 doing the dispatching or traffic control for the  
13 American and for the Canadian locks?

14 THE WITNESS: The same thing.

15 THE CHAIRMAN: Just from one  
16 tower, the American one?

17 THE WITNESS: That is right.

18 THE CHAIRMAN: The tower is  
19 American controlled?

20 THE WITNESS: Yes, sir. They  
21 got a set of lights there. They got four lights this  
22 way and one on top, and when they flash the top one  
23 that means Canadian locks.

24 BY MR. JACQUES:

25 Q. Which locks or which lock would  
26 you prefer, the Canadian or American?

27 A. Canadian locks are no good for  
28 us. Like I was saying, last year only 15 foot 6 of water  
29 so we couldn't use them.

30 Q. Does the entrance to the lock





English

present any hazard or difficulty?

A. No, sir. It is nice long piers and nice landing.

Q. I imagine the procedure going through that lock is similar to that in the Welland Canal?

A. It is a little better because you have two men to take your lines at the pier.

Q. But for the rest of the procedure it is the same?

A. About the same.

Q. How long does it take you on the average that you are going through the lock, waiting time, going through the lock?

A. A good passage, 25 minutes.

Q. What is the worst one you have had?

A. Well, you could be two or three hours. It depends on the traffic downbound or what is going up ahead of you.

Q. Once you have come out of the lock, are there any other difficulties or hazards up until you are out beyond Brush Point?





Mallette Dr Ex  
(Jacques)

15029

1 A No, the only thing to be careful  
2 is going around Point Louise here (indicating).

3 Q What is wrong there?

4 A Because you cannot see anything;  
5 you cannot see whatever ship is coming, ~~etc~~, you see.

6 Q I see. When you come out your view  
7 is blocked?

8 A Yes, sir. You are behind the  
9 island. You cannot see the point here.

10 Q Have you not got a set of signals  
11 that you can use?

12 A No, sir.

13 Q Do you not use your radio-telephone?

14 A We can sometimes give a security  
15 call.

16 Q In what cases would you give a  
17 security call?

18 A Well, if the weather was not good  
19 or at night if I had a bad ship, because we do not  
20 usually do it; but if I have a bad ship I give a  
21 security call coming around the point.

22 Q Between the locks and Gros Cap  
23 Reef can you anchor anywhere if you are in trouble?

24 A Yes, sir; you can anchor up here  
25 above the lock Big Point -- below Big Point here.

26 Q Below Big Point?

27 A And you can anchor in Whiskey Bay.

28 Q Which we will circle in red. Does  
29 it happen very often that you have to anchor?  
30





1  
2 A Downbound, yes, sir.

3 Q Why downbound?

4 A Usually there is fog around four  
5 or five in the morning. In the Summer months there  
6 is fog.

7 Q What about upbound?

8 A Well, upbound once you are clear of  
9 Pointe Louise you can do it with the radar. If the  
10 ship has a good radar you can make it. But down-  
11 bound you do not know how long it is going to last.  
12 You come down there and get caught.

13 Q So you prefer to anchor?

14 A Yes.

15 Q Even if you have radar?

16 A Yes, sir, because they may close  
17 the locks on you any time. They do that in the  
18 American Soo. When the weather is bad they close the  
19 locks.

20 Q They close the locks to traffic?

21 A Yes.

22 Q What about the Canadian locks?

23 A I do not know about it there.

24 Q Is there anything else you would  
25 like to add on the difficulties of your profession,  
26 the hazards which you meet?

27 A No.

28 MR. JACQUES: Thank you.  
29  
30





CROSS-EXAMINATION BY MR. BRISSET:

Q What is your date of birth, Captain?

A 28th September.

Q What year?

A 1906.

Q So you were only 16 or 17 when you were wheeling in 1923?

A Yes. I was on the ships ever since I was 10 years old.

Q Was the sailing master your father?

A Yes, sir.

Q How much were you paid in those days?

A I think we were getting 55 a month, the same price as the Lake ships, the canal wheelers.

Q Was that a general practice then, that sailing masters carried their own wheelers?

A Yes, sir. I was with my father and I was with another pilot wheeling.

Q You must have been sailing on one of the first ocean ships that came up?

A No. I heard my father say that around 1913 they were up here -- 1912.

Q While we have the chart of White Fish Bay would you tell us where the change of pilot is effected or the pilot is disembarked?

A Buoy 45 at Point Iroquois.

Q Does the pilot boat at times go as far as Gros Cap light?





1 A Yes, sir. I have been out there.  
2 They will not come in to Gros Cap so we take them up  
3 there.

4 Q But normally the pilot is embarked  
5 or disembarked at this point?

6 A Yes. That is what the coast guards  
7 call for -- Buoy 45.

8 Q Captain, in the Straits of Makinaw  
9 when you are on board a ship without a B licence do  
10 you always go on the bridge?

11 A Yes, sir.

12 Q Even in good weather?

13 A Yes, sir.

14 Q What is the width of the channel  
15 between the two pillars of the bridge?

16 A It would be around 1500 feet at  
17 least anyhow between the buoys.

18 Q That would be the narrowest part of  
19 the channel?

20 A Yes, sir; under the bridge is the  
21 narrowest part.

22 Q Through the Straits, that is correct?

23 A Yes.

24 Q Captain, what is your opinion of the  
25 masters and officers of ocean vessels insofar as  
26 navigating on the open waters is concerned?

27 A As far as navigating they are the  
28 best sailors there is for navigation, but it is the  
29 rules of the road that you have got to look after and  
30





1 you cannot learn that in a trip or two.. You cannot  
2 remember it all.

3 Q How long did it take you to learn  
4 the rules of the road?

5 A Well, sir, I sailed quite a while.  
6 I sailed, I would say, about 13 years before I went  
7 for my mate's ticket and I heard the whistles and I  
8 saw what they were doing. In thirteen years I think  
9 I should have learned something.

10 q Do you know the International rules  
11 of the road?

12 A International, yes, sir. We got to  
13 learn them. Even if you get an inland ticket you have  
14 got to learn international.

15 Q When you go on board ocean ships  
16 have you noticed posted in the wheel house this poster?

17 A Yes, sir; they all got that.

18 Q They all have that?

19 A Yes, sir.

20 Q Generally speaking do you find that  
21 the ships you have to pilot through the open waters  
22 have the required charts with the recommended courses  
23 on them?

24 A Yes, sir.

25 Q On the open waters do you have to  
26 use the radio-telephone to any extent?

27 A No, not too much, but they do call  
28 the agent and stuff like that.

29 Q I am talking about navigational  
30 calls not commercial calls.





1 A Not unless it is unusual. In fog  
2 we would use it, talk together and advise each other  
3 what we are going to do.

4 Q But apart from that there is little  
5 use of the radio-telephone in the open water?

6 A In the open water, no. But when you  
7 get closer to a port --

8 Q You do use radio-telephone though  
9 in the narrow waters a little more than you do in the  
10 open waters?

11 A Yes. On the Sault Ste Marie River  
12 you have to report so often to the coast guard. They  
13 call you and ask you where you are.

14 Q And you would be handling the radio-  
15 telephone yourself in these cases?

16 A It only happened twice, I think,  
17 that I was on one that carried a radio operator.

18 Q So you would do it yourself?

19 A Yes, sir.

20 CROSS-EXAMINATION BY MR. LALONDE:

21  
22 Q Captain, you said that you went to  
23 Saginaw from Port Huron?

24 A Yes.

25 Q Do you ever also go to Bay City?

26 A We got to go by Bay City. Saginaw  
27 is up the other end of the river.

28 Q Do you take ships into Bay City  
29 yourself?

30 A Yes, sir.





1 Q When you go aboard a ship at Port  
2 Huron do you always ask when you go on board whether  
3 the ship has a B Certificate on board or not?

4 A We have to because in District 3  
5 the coast guard asks you for all these things -- where  
6 she is from, where she is bound to, the name and the  
7 owner of the B licence. We got to tell that to the  
8 coast guard.

9 Q So when you board a ship at Port  
10 Huron you always ask whether there is a B Certificate  
11 on board?

12 A Yes, sir.

13 Q And after you board it at Sault  
14 Ste Marie you would also ask the same question?

15 A Yes, sir.

16 Q In every ship, and it has never oc-  
17 curred to you that a ship having a B Certificate on  
18 board would take a pilot to cross the lake?

19 A I have not been on one, but I  
20 think it did happen.

21 Q But to yourself it did not happen?

22 A No, sir. Yes, I was on one once  
23 that was going to Red Rock on the way up from the Soo.  
24 She was bound for Red Rock and I had to get on at the  
25 Soo or he would have to go to Fort William to pick a  
26 pilot up.

27 MR. JACQUES: In that particular  
28 case did you do the navigating across the lake?

29 THE WITNESS: I did not do anything  
30 on the lakes.





1 MR. LALONDE: Q When they have a  
2 B Certificate on board?

3 A Yes, sir. I was just riding up  
4 until the point where I am going to take him in.

5 Q I think you explained to my friend  
6 what you did when there was no B Certificate on board  
7 across the lake?

8 A Yes, sir.

9 Q I think you said that the trip  
10 from a certain point you indicated on the top of Lake  
11 Michigan when you would leave the bridge. You said  
12 about 30 miles past a certain point?

13 A Above Lansing Shoal.

14 Q Thirty miles above Lansing Shoal  
15 and you said it would take approximately 12 hours to  
16 take you to Chicago?

17 A On one of them Japs, yes.

18 Q On one of the Japanese ships.  
19 These are, I understand, some 19-knots ships; is that  
20 correct?

21 A Yes, sir.

22 Q Are most of your deep sea ships  
23 that fast?

24 A Oh, no.

25 Q What is the average speed of your  
26 ships?

27 A Well, I would say about 14, 15 knots  
28 would be the average. You could have slower ones, but  
29 not many.

30 Q So the length of the trip would





1 then be more than 12 hours in those cases?

2 A In those cases, yes, sir.

3 Q You also stated that you never did  
4 order tugs yourself; they were ordered by --

5 A By the agents.

6 Q That is in all ports?

7 A Yes, sir.

8 Q I would like to refer to the  
9 Lakehead in particular. How many tugs do you get  
10 when you arrive at the Lakehead?

11 A Captain Mann always got two tugs  
12 there waiting.

13 Q Two tugs waiting for you?

14 A Yes, sir.

15 Q In your opinion if it were left to  
16 you to make the decision would you always take two  
17 tugs to dock ships?

18 A Well, if I had to order them myself  
19 -- I was told by Captain Seeley when they hired me to  
20 use as less tugs as I could, not to make too much ex-  
21 pense.

22 Q Then what would you do at the  
23 Lakehead generally? Would you use two tugs usually  
24 or --

25 A No. Most of the time I go on in;  
26 sometimes I do not think we need any. But backing  
27 out you need one, with their flare bows and the docks  
28 only three or four feet wide, they would knock the  
29 elevator down.

30 Q Would you need two tugs up also?





1 A No; one tug is enough.

2 Q Did you say coming in you could dis-  
3 pense with tugs sometimes?

4 A Sometimes in fair weather. Some-  
5 times I would sooner use an anchor than use a tug.

6 Q Are there other harbours on the  
7 Lakes where you get tugs like this even though if the  
8 decision was left to you you would dispense with them  
9 on the basis that they are not needed for safety?

10 A On the American side in all the  
11 American ports you really need tugs. You have to go  
12 through bridges and stuff like that. You need the tugs.

13 COMM SMITH: Captain, just one point  
14 on the question Mr. Lalonde asked about tugs. Some-  
15 times you used them and sometimes you did not?

16 THE WITNESS: Yes, sir.

17 COMM SMITH: When you did use them  
18 did you get in touch with the agent first, or what was  
19 the procedure? Have you to use your own judgment and  
20 order them?

21 THE WITNESS: I can remember a  
22 couple of times we were ahead of time. I was ordered  
23 to go and pick up a boat outside the pier for, say,  
24 seven o'clock in the morning. I was called from the  
25 dispatcher to take her in in daylight -- seven o'clock  
26 in the morning.

27 I went aboard and I told the captain:  
28 "Okay, I am ready to go in." He did not say anything  
29 about tugs. I took her into the elevator and the tug  
30 came along after we were tied up.





1 He was ordered the night before but  
2 he was late coming.

3 COMM SMITH: Ordered by the agent?

4 THE WITNESS: Yes.

5 COMM SMITH: Do you make any snap  
6 judgments yourself in calling a tug?

7 THE WITNESS: Yes. If it was blow-  
8 ing hard or anything I would not go by what the agent  
9 says. No, I would use my own judgment.

10 COMM SMITH: You would use your own  
11 judgment and order a tug yourself?

12 THE WITNESS: No, I would not order  
13 a tug myself but I would advise the captain that I  
14 would not go in unless he ordered one.

15 COMM SMITH: He would go ahead and  
16 order one?

17 THE WITNESS: Yes. He is the master  
18 of the ship.

19 COMM SMITH: Thank you, Captain.

20 MR. LALONDE: Q The practice to  
21 which you referred of sending tugs out automatically,  
22 is that a standard practice of the Lakehead?

23 A Since I have been there.

24 MR. LALONDE: You say you sent your  
25 travel expenses to Ottawa. How long did it take for  
26 you to get your cheque back for your expenses?

27 A Sometimes long enough. The last one  
28 took about two months.

29 Q Last year generally do you have any  
30 idea how long it took? Was this a general practice --





1 that of a two-month delay?

2 A Well, in my case, you see, they can  
3 mail my cheque to Fort William. I would be gone out  
4 of there and it would be mailed back somewhere else,  
5 and it just goes around. But this last one this Winter  
6 -- I just got it lately.

7 Q You got it only lately?

8 A Two months late.

9 Q When you go through the locks at  
10 Sault Ste Marie you said you go on the American side.  
11 Are there some linesmen on the tie-up walls on the ap-  
12 proach walls?

13 A Below the locks and above the locks.

14 Q They are linesmen appointed by the  
15 American authorities?

16 A They are the lock linesmen. They  
17 walk down and take the lines on the wall and then you  
18 go in the locks they walk up the stairs and take your  
19 lines up there.

20 Q They also pick up the lines, I  
21 suppose, in the lock itself?

22 A Yes, but, as I said, we have to put  
23 two men to hold them and a man to hold them on the lock  
24 too.

25 Q The two men you use, do you put  
26 them on the wall through a --

27 A Landing boom.

28 Q A landing boom, yes. Did you ex-  
29 perience difficulties with landing booms?

30 A No, I have not, no.





1 Q Not yourself?

2 A No. Only on one ship where they  
3 took it down to Bay City and the landing boom was gone.

4 Q Excuse me?

5 A Only the one ship and we were going  
6 to Bay City. When we got alongside the wall they had  
7 the landing boom down ready to lower and there was no  
8 man on the dock.

9 Q I see. When you get to the approach  
10 wall at Sault Ste Marie do you throw lines first before  
11 landing your own men?

12 A Yes. We carry the head line all the  
13 time.

14 Q What I mean to say is, are the  
15 lock linesmen picking up the lines before you land  
16 your own men?

17 A Yes, sir.

18 Q So when you land your own men you  
19 are already tied up?

20 A We are not already tied up. Most  
21 of the time we do not use a line; we just carry the  
22 line in case we need a check.

23 Q Do I understand that you have thrown  
24 some lines to the linesmen?

25 A They got the eye in their hands.

26

27

28

29

30





1 Q. Have you experience of blind  
2 spots on Lake Superior for radio communications?

3 A. Yes; from Passage Island right up  
4 to Hare Island.

5 Q. Would you indicate on the chart  
6 where are these two islands? Passage Island, you  
7 said . . .

8 A. Yes; it is here somewhere (indi-  
9 cating).

10 Q. Yes; Passage Island is indicated  
11 on the chart with a red circle and the letter "A"?

12 A. Yes.

13 Q. The northern side of Lake Superior?

14 A. Yes; and Hare Island is in there  
15 (indicating).

16 Q. And Hare Island is near Thunder Cape.  
17 It is also circled in red with the letter "B", also?

18 A. Yes.

19 Q. In this area you say you have . . .

20 A. It is very hard.

21 Q. It is very hard to get radio com-  
22 munication?

23 A. Yes.

24 Q. Do you have any other areas on  
25 Lake Superior where you experience similar diffi-  
26 culties?

27 A. Yes; getting closer to Duluth it  
28 is the same way.

29 Q. Getting closer to Duluth it is  
30 the same way?





1 A. Yes.

2 Q. And any other points or parts of  
3 the Lake?

4 A. On the north shore -- any place on  
5 the north shore -- it is hard.

6 Q. This would be if you were to go  
7 to Nipigon, for instance?

8 A. Any place around the north shore;  
9 the lake boats in the fall they go up to the north  
10 shore.

11 Q. Do you experience a blind spot  
12 in the Soo river itself?

13 A. Yes, on the Soo river.

14 Q. Would you indicate on the chart in  
15 which area you find you have this spot?

16 A. From Pike Island up to Lime Island.

17 Q. Has this to do with the lack of  
18 shore stations, or anything, or is it just . . .

19 A. No; it is in the atmosphere, I  
20 would say.

21 THE CHAIRMAN: It doesn't matter what  
22 kind of reception you are having. . .

23 A. Oh, there is this blind spot you  
24 have got -- it is always the same; and at Lake Huron  
25 from Harbour Beach it is hard in there.

26 MR. JACQUES: Do you find that the  
27 American stations give better service than the  
28 Canadian stations?

29 THE WITNESS: Oh, I don't know; they all  
30 answer when we call them.





1 MR. JACQUES: You don't find that the  
2 American stations are quicker?

3 THE WITNESS: The only one I really had  
4 trouble with on a lake boat was in Georgian Bay at  
5 Midland. It wasn't his fault; he couldn't hear us.  
6 That was all. The man was on duty all right.

7 MR. MASON: In the middle of the lake  
8 can you reach a Canadian station at all?

9 THE WITNESS: Sometimes we get Port  
10 Arthur, but not always.

11 MR. MASON: But there is a point on Lake  
12 Superior which is not covered by either the Soo or  
13 the Lakehead?

14 THE WITNESS: There is nothing between  
15 the Soo and the Lakehead.

16 MR. MASON: There is no coverage?

17 THE WITNESS: No.

18 MR. LALONDE:

19 Q. I understand there are only three  
20 Canadian pilots in District No. 2?

21 A. Yes.

22 Q. You are not a member of any  
23 Association or organization, are you?

24 A. No.

25 Q. Are the documents which you have  
26 filed or shown to my friend Mr. Jacques the only  
27 documents which you have received from the Department  
28 of Transport?

29 A. Yes. I have a couple of small  
30 letters which don't mean anything; they don't mean





1 anything in the business.

2 Q. They have nothing to do with the  
3 pilotage operation, as such?

4 A. No.

5 Q. How much are you paid?

6 A. Eleven forty.

7 Q. Eleven thousand dollars . . .

8 A. \$1340 a month.

9 Q. \$1340 per month?

10 A. Yes.

11 Q. And you have been paid this  
12 amount since you have been employed?

13 A. Yes.

14 Q. You are aware, I am sure, that  
15 the pilots in District No. 2 had their salaries  
16 increased to \$1380?

17 A. In 1962, yes.

18 Q. Did your pilots get any similar  
19 increase?

20 A. No.

21 Q. And is this a pay which runs from  
22 the 15th of April up to what time?

23 A. It was last year; the first year  
24 I was there it covered right up to the end . . .

25 Q. What do you mean by "the end"?

26 A. December 1st. Last fall the  
27 dispatcher in Port Arthur received orders from  
28 Duluth that there were so few ships to come down --  
29 I was in Sarnia then -- that they didn't need me  
30 any more; I could go home. They didn't need me





1 for the rest of the fall. I did; and when I got  
2 my last pay cheque it only paid up to the 26th of  
3 November.

4 Q. And the season went on until  
5 December 5th; is that correct -- for the others?

6 A. In December some time -- the  
7 3rd or the 4th.

8 Q. There was evidence that it went  
9 as high as that in District 2?

10 A. Yes, a few days in December.

11 Q. Do you know whether your piloting  
12 ended at the same time as the pilots in the district?

13 A. They started in the Soo River to  
14 pilot on their own after that -- the lake ships.

15 Q. Do you know until when it was  
16 that the two other Canadian pilots were paid ?

17 A. Some time -- a couple of days in  
18 December; they were paid a couple of days in December.  
19 I don't know how many.

20 Q. And in your pay cheque from the  
21 Department of Transport you were paid only until  
22 November 26th?

23 A. Yes.

24 Q. Were you informed in any way,  
25 shape or form at the time that if you were relieved  
26 from duty at November 26th you would be losing pay?

27 A. No; and I was talking to the  
28 dispatcher in Duluth a couple of days before and he  
29 showed me a letter he got from Captain Meschter,  
30 from Washington, that he should pay the three Canadian





1 pilots equal. Well, of course, I was a bit ahead;  
2 that was all.

3 Q. You were a bit ahead in the sense  
4 that you had done the more trips, had you?

5 A. Yes; done more work, or something  
6 like that.

7 Q. And you understood the instructions  
8 to be that pilots should equalize towards the end of  
9 the year?

10 A. Equalize towards the end of the year  
11 for work.

12 Q. So having worked more you were  
13 relieved earlier?

14 A. Yes, I was relieved earlier.

15 Q. Except that you lost pay?

16 A. Yes.

17 Q. That will teach you to work more!

18 A. Where is Lucky? Has he gone?

19 Q. You said the other two Canadian  
20 pilots remained to pilot lake ships?

21 A. Yes.

22 Q. How is that?

23 A. Well, lake ships under foreign  
24 flags.

25 Q. I see. Now, what are your com-  
26 ments with respect to workload? I notice you have  
27 a book which you seem to have carried containing  
28 information about various trips you made last year.  
29 I suppose you had slacker times and peak times  
30 also during the year?





1 A Not too much.

2 Q. Too much what?

3 A. Slack time.

4 Q. What was the slackest time during

5 that year?

6 A. Last year it would be hard to say.

7 Q. Or 1962?

8 A. Well, take 1963; I can give you it

9 quickly.

10 Q. If you have it quickly let us

11 have it for 1962.

12 A. October would be my worst month

13 in 1962.

14 Q. Your worst month?

15 A. Yes.

16 Q. What happened in October, for

17 instance?

18 A. Well, let us start on, say,

19 October 8th.

20 Q. Yes?

21 A. I got off a ship at 17.55.

22 MR. BRISSET: At what point?

23 THE WITNESS: At Duluth.

24 MR. JACQUES: Yes?

25 A. I took the plane at 18.50. I

26 got to the Soo, to the hotel, on the 9th at 12.20.

27 On the 9th at 13.00 I was called to go on a ship.

28 Q. Where did you go with the ship?

29 A. Detour. I boarded at Detour

30 and I got on at 14.25.





1 Q. You drove down from the Soo?

2 A. Yes.

3 Q. Which is how many miles?

4 A. It would be about sixty-two miles.

5 Q. And does it happen often that you  
6 have to drive? Did you take a taxi?

7 A. In 1962 they had four cars --  
8 the American pilots had four cars rented -- and we  
9 could drive ourselves; and last year they hadn't done  
10 it yet but they got somebody to drive me.

11 Q. You didn't drive the car up and  
12 down?

13 A. No.

14 Q. You were there on the 9th, you  
15 said?

16 A. The 9th. I was called at 13.00.  
17 I got off at 22.10.

18 Q. Where did you get off?

19 A. At Port Iroquois, at Buoy 45.

20 On the 10th I got on another one at 8.10 in the  
21 morning and I got back to the Soo at 13.25.

22 Q. Where did you board that ship --  
23 at Detour again?

24 A. I boarded it at Canadian Soo,  
25 Algoma docks, and I debarked at Buoy 45.

26 I got back to the pilot office  
27 at 13.25 at the Soo. At 13.37 I departed the  
28 pilot office and at 15.20 I boarded a ship at Detour,  
29 and I got back to the hotel at the Soo at 22.50.  
30 That was on the 10th.





1 On the 11th at 1.00 a.m., I was called  
2 to a trip at 2.30. I boarded it at Port Iroquois.  
3 It took one and a half hours on the pilot boat,  
4 and that is the pilot boat at Brimley. Last year  
5 they had it at the Soo; so this year we can do it  
6 in half an hour. I arrived at Detour at 13.00  
7 and at 13.30 I was back on another boat.

8 Q. On the same day?

9 A. The same day. I arrived at the  
10 Soo, at the hotel, at 20.45; that is on the 11th.

11 Q. All these trips were made up and  
12 down the Soo River?

13 A. Yes, up and down the Soo River.  
14 I got off at 20.45 on the 11th. On the 12th, the  
15 next day, I got called again and I boarded a ship at  
16 Port Iroquois and got off at Detour and arrived at  
17 the hotel at 16.00. On the same day again I was  
18 called at 17.40 and I boarded the ship at Port  
19 Iroquois.

20 Q. At what time?

21 A. I was called at 17.40, left the  
22 hotel at 18.20 and I boarded it at 19.45. I got off  
23 at Detour at 4.20. I was back to the Soo at the  
24 hotel at 5.35 on the 13th.

25 Then I was called at 16.30 on the 13th  
26 and I boarded the pilot boat at the Soo at 19.10  
27 and I got back to Detour on the 14th at 3.00 a.m.,  
28 arriving at the Soo, at the hotel, at 4.45.

29 On the 15th at 8.10 I was called again.  
30 I departed at 8.20 and boarded the ship at Detour.





1 I debarked at the Soo again, back to the hotel, at  
2 18.10.

3 Q. We will not do the whole month  
4 of October.

5 A. It was all like that.

6 Q. Do you mean to say all during that  
7 month?

8 A. Yes. I was alone. There was  
9 supposed to be five pilots.

10 Q. Where were the others?

11 A. They were on trans-lake, and I was  
12 left all alone on the river and I had to keep going.

13 Q. You didn't declare yourself  
14 sick, or tired?

15 A. So that I lose a day's pay?

16 Q. If you had decided you needed a  
17 rest you would have lost one day's pay, I understand?

18 A. Yes.

19 Q. Under the regulations?

20 A. Yes.

21 Q. And you are aware that in District  
22 No. 2 pilots have three days' rest time per month?

23 A. Yes.

24 Q. Do you have anything like that  
25 for the three Canadian pilots . . .

26 A. No.

27 Q. . . . in District No. 3?

28 A. No.

29 THE CHAIRMAN: I suppose, Mr. Lalonde,  
30 you will have many other questions?





1 MR. LALONDE: I have a few questions.  
2 THE CHAIRMAN: I will have some myself.  
3 MR. JACQUES: And I have some more also.  
4 THE CHAIRMAN: Then, Mr. Mallette, you  
5 will have to come back tomorrow morning at ten  
6 o'clock.  
7 We will adjourn now until ten o'clock  
8 tomorrow morning.  
9  
10 ---Thereupon the hearing was adjourned at 5.00 p.m.  
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held  
in the Toronto Board of Education  
Building, 263 McCaul Street,  
Toronto, Ontario, on Thursday,  
the 19th day of March, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots
Mr. Colin Mason	for the Dominion Marine Association

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263 McCall Street  
Toronto, Ontario  
Thursday,  
March 19, 1964

ALCID MALLETTE, Recalled, Sworn

THE SECRETARY: A. Mallette, District

#3 pilot.

CROSS-EXAMINATION BY MR. LALONDE: (continued)

Q. Captain Mallette, yesterday I was asking you a few questions about the locks at Sault Ste. Marie?

A. Yes, sir.

Q. I understand that there are three different locks on the American side?

A. There is four locks but one is not in use. They are rebuilding this Lock #3 -- #2.

Q. In the United States?

A. In the United States.

Q. So there are four locks but you only use three of them now?

A. Yes, sir. They are all alongside each other.

Q. They are parallel to each other?

A. Yes. You just use one lock.

Q. What is the idea of having those, all those locks? Is it for downbound and upbound ships?

A. No, sir. It is for traffic. We can use either lock. One is deep draught lock. The McArthur is a deep draught lock.

Q. Yes?

A. And the other three, they are according to the water in the river. You can go up as far as 22 feet 6.





1 English

2 Q. Is there any particular practice as  
3 to using one or the other, or do you decide this on the  
4 spot?

5 A. We don't decide. On lake ships  
6 they don't talk on the phone to the tower, the lock  
7 master in the tower. We blow two long and two short,  
8 asking for a lock, and they answer us with a light  
9 signal.

10 Q. I see.

11 A. Whichever light they flash, that  
12 means the lock you are going to get. On deep sea  
13 ships we call them further up. On downbound we call them  
14 at Big Point. We call the lock master on the phone  
15 because we got to report where he is from and her  
16 nationality and all of that, and he tells us what lock  
17 we will use. On upbound we call them below Little  
18 Rapids Cut and ask them the same information.

19 Q. Now, as to the two linesmen who  
20 are provided by the lock master, I understand that they  
21 take your lines, and only after a while do you get your  
22 men off on the wall?

23 A. Once the ship is close enough to  
24 get them ashore.

25 Q. But by that time the linesmen on  
26 the wall have your lines already?

27 A. Yes. And if we can't get close  
28 enough, we will use the lines to bring the ship close  
29 enough to get them off.

30 Q. Have you found the practice of having





1 English

2 these linesmen on the wall useful?

3 A. Well, you know when you are going  
4 to get there you can put lines out.

5 Q. Can you manage without linesmen  
6 there, without the locks' linesmen, let us say?

7 A. Sometimes. Other times when the  
8 wind is against you or anything, you can get in trouble.

9 Q. Have you experienced difficulties  
10 with Masters who would hesitate putting their own men  
11 on the wall with the landing boom?

12 A. Yes, sir. Some of them refuse to  
13 put them ashore, and others say, "We don't need them.  
14 There are two men there already. I don't see why we  
15 should put our own men." It is Canal law there, you  
16 got to put two men to help. If we don't there is the  
17 tower there and the lock master is up on the tower and  
18 he sees everything, and he calls you on the phone and  
19 tells you to put the man out.

20 Q. Now, you have been a pilot in  
21 District 3 for the last two years. You have been a  
22 Master on lake ships for many years before. How would  
23 you compare the two jobs which you fulfill?

24 A. Well, I figure it is less work  
25 sailing a lake ship.

26 Q. What do you mean by that?

27 A. Well, you got your own -- you got  
28 three officers on a lake ship. You got with you sometimes  
29 five or six years the same three mates. You know what  
30 they can do, whether you can trust them. They can help





1 English

2 you in the river, in the locks and every place. Some-  
3 times out even in the Canal. But once you have a chief  
4 officer or first mate we call them on the lakes, you  
5 know who you got. He is a man with a Master's licence --  
6 most of them have a Master's licence -- and you can leave  
7 them in the Canal either to help you -- you know your  
8 men. You can trust them.

9 Q. I see.

10 A. Because there is no lake captain  
11 that can stay out eight months. He has got to have  
12 somebody to help him.

13 Q. Obviously the situation is not  
14 the same with the deep sea ships?

15 A. Well, you don't know the men. You  
16 don't know who you got there. You don't know who you  
17 can trust. You don't know the men. It takes a while  
18 to know your mates. Sometimes when you are on a lake  
19 ship when you have a mate -- it takes a few months to  
20 know who you got.

21 MR. LALONDE: Thank you.

22 MR. BRISSET: Captain, you were  
23 Master of the "CAPTAIN SECORD"?

24 THE WITNESS: Yes.

25 MR. BRISSET: Before you became a  
26 pilot?

27 THE WITNESS: Yes, sir.

28 MR. BRISSET: Did you tell me last  
29 night you left the "SECORD" because the job was killing  
30 you and you wanted a softer job?





1 English

2 THE WITNESS: That is a different  
3 case. Not killing me. I didn't say that. The job  
4 was hard, but that is a different case. She was a  
5 steam job, and they put in a diesel engine. Second-hand  
6 engine in that ship. I wasn't on her then. There was  
7 another Captain before me. He was on that ship for 19  
8 years when she was a steam job, and he left her after  
9 a few months because the engine wasn't working properly.

10 MR. BRISSET: He had engine trouble?

11 THE WITNESS: Engine trouble all  
12 the time. They decided to put me there, and I lasted  
13 there from 1955 to 1961 when I found out it was getting  
14 too hard all the time.

15 RE-DIRECT EXAMINATION BY MR. JACQUES:

16 Q. In the course of your duties you  
17 have to call into several ports throughout the year?

18 A. Yes, sir.

19 Q. I imagine that you do not call in  
20 each of those ports every trip or every week?

21 A. No, sir. It all depends wherever  
22 the ship is chartered to go.

23 Q. How do you keep up with the changes  
24 and developments in harbours?

25 A. Well, the best we can find out. If  
26 we can get some marine information or --

27 Q. From whom?

28 A. Well, at the 'Soo, sometimes at  
29 the lock we may get one, and sometimes I meet other pilots  
30





1 English

2 that have some, and they hand them over to me.

3 Q. Pardon?

4 A. They hand whatever they got, they  
5 hand it over to me to look at them.

6 Q. Notices to Mariners you are referring  
7 to?

8 A. Yes, sir. We haven't got a steady  
9 place where we can get them, where we can receive them.

10 Q. Do you check personally to see  
11 that the rosters are followed closely?

12 A. Well, the best we can.

13 Q. How do you check that?

14 A. Well, like on the American side,  
15 the only place I can check is at Detour. When I am  
16 working in the Soo River, at Detour. They have a  
17 board there -- the pilot boat skipper there, he has a  
18 board in his trailer, and our names are marked there.

19 Q. How often would you check the  
20 board?

21 A. Whenever I get a chance to go to  
22 that trailer.

23 Q. That may not be every day?

24 A. Sometimes it would be for months.  
25 Sometimes it could be for months that I don't go there.  
26 I am not supposed to go there. I just go there to  
27 visit him. That is his trailer. That is his own, and  
28 he has a board there.

29 Q. I am told that there is juggling in  
30 the roster at times so that an American pilot would





1 English

2 change his turn somehow in order to get the faster  
3 and bigger ships and leave the slower ship and smaller  
4 ship to the Canadian pilots.

5 A. Well, I don't know. I can't prove  
6 that. I can't prove that, but sometimes it happens  
7 that an American pilot which is on turn isn't available.

8 Q. What happens?

9 A. Well, the next man on turn has  
10 got to go.

11 Q. What happens to the American pilot  
12 who declares himself unavailable?

13 A. He comes back to work. I don't  
14 know how they work it. That is the American side. I  
15 don't know how they work it.

16 Q. You do not know if he is off the  
17 roster for a whole day or if he goes back on roster in  
18 a few hours?

19 A. I have seen some off for a day  
20 and some off for a few days and they come back.

21 Q. Have you seen, say, someone  
22 declaring himself unavailable at ten o'clock in the  
23 morning and being available at two o'clock in the  
24 afternoon?

25 A. No, I haven't seen that.

26 Q. You do not know the rules they  
27 follow in that respect?

28 A. I don't know just how they work  
29 their own business.

30 Q. You said last night that at the end





1 English

2 of this season you were put off sooner than the others;  
3 is that correct?

4 A. On the 26th.

5 Q. On the 26th of November?

6 A. Yes, sir.

7 Q. You also said that you were ahead  
8 of others; you had done more jobs than the others. Is  
9 that correct?

10 A. More jobs and I was ahead on the  
11 earning sheets on the American side where they had it  
12 in Duluth.

13 Q. Is that how they calculate, the  
14 jobs done, to find out whether one is ahead or behind  
15 the other?

16 A. The Americans put out a sheet. We  
17 never see them. The only time we can see that, if  
18 we happen to meet an American pilot that is good enough  
19 to let us look at it.

20 Q. I see.

21 A. And they have earnings of all the  
22 pilots, how much they brought in for each month.

23 Q. For each month?

24 A. For each month. I saw two of them  
25 last year, that is all.

26 Q. What is that?

27 A. I saw it twice last year. One pilot  
28 showed me one, and I happened to walk into the Duluth  
29 office, and there was one on the desk, and he had to  
30 show it to me.





1 English

2 Q. In November were you shown that  
3 list?

4 A. In November, no, but I was talking  
5 to Mr. Keifner and Captain -- chief dispatcher in Duluth.

6 Q. Who is Keifner?

7 A. He is I think some kind of manager  
8 for that association there, Lake Superior Pilots  
9 Association. Something like that. He was business man  
10 for them.

11 Q. You didn't see the sheet of paper  
12 to which you refer?

13 A. No, not then.

14 Q. Not in November?

15 A. No, sir.

16 Q. Is your name on that list?

17 A. Well, twice that I saw it I was  
18 on top of the list.

19 Q. You were on top of the list?

20 A. I was on top of the list or above  
21 the American pilots. I was way on top.

22 Q. Did you at that time get in touch  
23 with the Department of Transport?

24 A. No, sir. I never had nothing to  
25 do with the Department of Transport since I started to  
26 work there.

27 Q. You never phoned them?

28 A. No, sir, never did.

29 MR. LALONDE: Did they phone you?

30 THE WITNESS: No, sir.





1 English

2 Q. When the Americans told you that  
3 you were ahead of everybody, you just took their word?  
4 You didn't check on it?

5 A. No, sir. No, sir. It has nothing  
6 to do with me. I am paid by the month, so whatever  
7 money I make, it is up to Ottawa to check where I spend  
8 and how much money I bring in. It isn't up to me.

9 Q. At that time had you not requested  
10 to go home because of personal reasons?

11 THE CHAIRMAN: Was this earlier?

12 THE WITNESS: I did on October.  
13 My wife was sick, and I asked to go down. She was  
14 supposed to go in the hospital and I had to go down.

15 Q. That was in October?

16 A. In October I went down. I was  
17 in Chicago, and I called the dispatcher in Chicago and  
18 he told me -- he is a #2 man; dispatching in Chicago  
19 is done by #2 District, and they have a working agree-  
20 ment with #3 -- so I called Duluth. I was talking to  
21 Captain Alme there.

22 Q. Who is he?

23 A. He is the chief dispatcher there  
24 in Duluth.

25 Q. That was in October?

26 A. In October. I told him I had to  
27 go home. He told me everything was fine, that I could  
28 go.

29 Q. Yes?

30 A. And report back to Port Huron, which





1 English

2 I did.

3 Q. How long were you away?

4 A. I was away -- I got it here  
5 some place. October 2nd I called the Chicago dispatcher  
6 at 1915, and he told me to call Duluth, so at 1925 I  
7 called Duluth.

8 Q. Yes?

9 A. I took the train at 2110 to go  
10 down to Montreal. On the 6th at 1230 I was back in  
11 Sarnia at the station. I called the dispatcher  
12 at 1330. Reported in.

13 Q. I see. Were you off pay during  
14 that time?

15 A. I asked Captain Alme what I should  
16 do with that, if I had a report to put in, and he said  
17 no. So later on I was up in Duluth, and I told him  
18 again how many days I was off, and I say, "What kind  
19 of report do you want me to put in?" He said, "Never  
20 mind a report".

21 Later on at the Soo, the same  
22 morning as I met you, Mr. Keifner was there. I spoke  
23 to him about it again. He said, "Never mind. We will  
24 fix that".

25 Q. That is the last you have heard?

26 A. No. Later on I sent a notice,  
27 my time off there.

28 Q. To whom did you send that?

29 A. To Keifner.

30 Q. Is that in a form?





1 English

2 A. Yes, sir. I wrote it down and  
3 sent it up.

4 Q. Did you have a printed form?

5 A. No, sir, no form. On a piece of  
6 paper I sent it up.

7 Q. You heard nothing since?

8 A. No, sir.

9 Q. In November, though, just prior to  
10 the 26th of November --

11 A. Yes, sir.

12 Q. Did you at any time tell the  
13 American authorities that you wanted to end your season  
14 right then in order to go home?

15 A. Not right then. They told me  
16 they are going to have a meeting in December for all  
17 the American pilots at Duluth, and I told them that if  
18 they needed me I would stay for a few days in December,  
19 third or fourth, not any more, because I had to go home  
20 on account of my wife.

21 Q. The third or fourth of December?

22 A. Yes, sir. I told them I would  
23 stick around until their union meeting would be finished.

24 Q. What did they tell you?

25 A. They told me that they would see,  
26 and I took a boat from Duluth down. That is the last  
27 ship I took down from Duluth. I got aboard, and I  
28 was supposed to call when I got down to Sarnia. I was  
29 stationed in the river then, in the Soo River -- trans-  
30 lake -- my work was in the river then. They told me,





1 English

2 "You may go right through to Sarnia with her".

3 Q. Yes?

4 A. Which happens I did go down right  
5 through, and before I got to Detour, I was at Sweets  
6 Point in the Soo River and the dispatcher -- not the  
7 dispatcher, but the tug boat man, the pilot boat man,  
8 called me on the phone and he says, "Sid, we will meet  
9 you. If you can check down at Detour, we will meet  
10 you and put the suitcase aboard". I left the suitcase  
11 at Detour. He said, "We will put your clothes aboard".

12 Q. What for?

13 A. I don't know. So I said, "Okay,  
14 I will pick them up". I wanted my clothes. I didn't  
15 want to leave them there. And then from then on we  
16 went down -- we went on to Sarnia. I got off the ship.  
17 I reported in. I have it here some place. I got off  
18 the ship at 8:20.

19 Q. P.M. or A.M.?

20 A. A.M. I got at the pilot station  
21 at 9:05. I called Port Huron at 9:35. That is the  
22 dispatching office at Port Huron.

23 Q. Yes?

24 A. I called Mr. Keifner at 9:45.

25 Q. Yes?

26 A. And he told me to stick around for  
27 12 hours. I asked him if I had to report back to Detour  
28 or not. He says: "Stick around for your 12 hours  
29 anyhow." There is 12 hours that they can keep us there  
30 to see what they are going to do with us; because I was





1 English  
2 a river pilot, you see; they can only keep you 12 hours.  
3 After 12 hours if they feel they are going to get a  
4 ship for you they can keep you for 24. But they cannot  
5 keep you over 24 hours. They have to send you back  
6 to your station.

7 Q. I see, yes?

8 A. So I was 9:45; I called Sarnia  
9 pilots office at ten o'clock again to see what they  
10 had and at 16:20 I got a call from Port Huron pilot  
11 office there from Charlie Houle; he is a dispatcher  
12 there. He told me he had a message from Duluth that  
13 it was all right and told me to go home, and that is  
14 all.

15 Q. But prior to that had you requested  
16 to go home?

17 A. No. I offered to stay until the  
18 third or fourth.

19 Q. Until December 5th?

20 A. The third or fourth, whichever date  
21 the union meeting would be over.

22 Q. You had actually offered that?

23 A. Yes, sir, I did.

24 Q. At any time in the month of November  
25 were you requested by the Americans to stay on until  
26 December 5th or the meeting?

27 A. I was asked if I would stay, yes,  
28 sir.

29 Q. And you said Yes?

30 A. Well, I told them I could not stay





1 English

2 in December, no. I told them that at one time.

3 Q. What did you tell them? Did you  
4 tell them that you could not stay after the first  
5 December or after the meeting?

6 A. Well, at first I did not know  
7 anything about their meeting -- at first. I told them  
8 I could not stay in December because we were off pay  
9 and I would sooner go home and look after my business  
10 at home.

11 Q. When normally would you have been  
12 off pay last year?

13 A. Well, I should have been off the  
14 1st December.

15 Q. The 1st December?

16 A. Yes, sir.

17 Q. And you were willing to stay on  
18 until the 1st December at least?

19 A. Yes, because I understand that is  
20 the way it worked the year before, that after the 1st  
21 December if we did stay up in the Soo River, any  
22 Canadian that did stay ..... One fellow did stay. He  
23 worked on his own doing them lake ships there.

24 Q. After the 1st December?

25 A. Yes, sir.

26 Q. But until the 1st December every-  
27 body was on pay?

28 A. Yes.

29 Q. Were you told by the Americans that  
30 you might lose pay if you went home before the 1st





1 English

2 December?

3 A. No, sir.

4 Q. Never at any time?

5 A. No, sir.

6 Q. You had not requested to go home  
7 immediately?

8 A. Not in November, no, sir.

9 Q. Not in November?

10 A. No.

11 Q. Not because your wife was ill?

12 A. No. I told them I would sooner  
13 be home early in December. I offered them to stay  
14 for their own meeting.

15 Q. You have compared your work as  
16 a pilot and your work as a Master. When you were  
17 Master did you have crew troubles?

18 A. Sometimes, yes, like anybody else,  
19 yes, sir.

20 Q. When you were a Master you were on  
21 the job, as it were -- at least on your ship -- 24 hours  
22 a day?

23 A. What do you mean "on the job"?

24 Q. Well, on the ship as Master?

25 A. Well, you are responsible 24 hours  
26 a day.

27 Q. You are responsible 24 hours a day?

28 A. Yes.

29 Q. As a pilot how long are you  
30 responsible for the ship?





1 English

2 A. What do you mean "how long"?

3 Q. Is that 24 hours a day also?

4 A. Well, it all depends wherever she  
5 is going or whatever place we are.

6 Q. But your responsibility ceases  
7 when you get off the ship?

8 A. I did not get that?

9 Q. Your responsibility stops when you  
10 leave the ship?

11 A. Oh, when we leave the ship we are  
12 not responsible about the ship.

13 Q. But when you were Master --

14 A. Yes, sir.

15 Q. Even if you went ashore?

16 A. Yes.

17 Q. You were still responsible for your  
18 ship?

19 A. Yes, sir.

20 MR. LALONDE: There is a legal  
21 question implied in my friend's question, My Lord, in the  
22 sense that one could say the pilot is not responsible  
23 for the ship at any time.

24 THE CHAIRMAN: He is responsible  
25 as pilot.

26 THE WITNESS: Just doing our work,  
27 that is all.

28 MR. JACQUES: Thank you, sir.

29 MR. LALONDE: Excuse me; in spite  
30 of the points which my friend Mr. Jacques has raised





1 English

2 comparing your two functions, all told you know the  
3 whole responsibility and the whole responsibility as  
4 a pilot. Would you still maintain your previous state-  
5 ment to the effect that you had an easier job as a  
6 Master than as a pilot?

7 THE WITNESS: Yes, I did, yes, sir.

8 MR. BRISSET: It is a change of  
9 heart overnight, Captain.

10 THE WITNESS: What do you mean?

11 THE CHAIRMAN: You said that after  
12 the 1st December last year -- not 1963, but 1962 --  
13 if you stayed you worked on your own. What do you  
14 mean by that?

15 THE WITNESS: Well, everybody went  
16 off pay on the 1st, -- not on the first, but on the 30th  
17 or 31st November, on the last day in November. After  
18 that any ship they had they collected themselves.

19 THE CHAIRMAN: So that they are not  
20 on salary any more?

21 THE WITNESS: They are not on salary  
22 any more, no. The ship is theirs -- or whichever way  
23 they collect. I have never done it myself.

24 THE CHAIRMAN: You have never done  
25 it yourself, but is it still organized by the pilotage  
26 organization of American pilots?

27 THE WITNESS: I believe that the  
28 Duluth office collected the money for them. I do not  
29 know how it works.

30 THE CHAIRMAN: You do not know?





1 English

2 THE WITNESS: No, sir.

3 THE CHAIRMAN: So if I could call  
4 it that way, there is off-season pilotage?

5 THE WITNESS: Yes, sir.

6 THE CHAIRMAN: During all the winter?

7 THE WITNESS: Well, I cannot tell  
8 you when it starts, but up there in 1962 they did start  
9 it on the 1st December, that the pilots work on their  
10 own after the 1st December.

11 THE CHAIRMAN: Do you know whether  
12 your two colleagues, the Canadians, would do that also?

13 THE WITNESS: Well, I understand  
14 from what I heard -- rumors -- that two of them stayed  
15 last fall. I do not know; I was not there myself. I  
16 do not know how they were paid; how they worked; I  
17 do not know.

18 THE CHAIRMAN: The American pilots,  
19 to your knowledge, how are they paid? Are they paid by  
20 a fixed salary as you are or some other way?

21 THE WITNESS: No, they are not on  
22 fixed salary. They are paid --

23 THE CHAIRMAN: By the job?

24 THE WITNESS: By the trip, yes.

25 THE CHAIRMAN: Does that bring  
26 any friction or any difficulties with you being employed  
27 in another capacity?

28 THE WITNESS: Yes, it does.

29 THE CHAIRMAN: To what extent?

30 THE WITNESS: Well, like, an American





1 English

2 pilot that is working by the trip, he is liable to work  
3 five, six days without a stop, day and night.

4 Take for example the Soo River or  
5 harbour work. He will do all he can. When he has done  
6 enough he books off.

7 THE CHAIRMAN: How can he book off  
8 like that?

9 THE WITNESS: I do not know how  
10 they work it, but he does. He takes time off and when  
11 he feels fit to work again he comes back. Then us, being  
12 on salary, I don't suppose we could do that. If we did  
13 we would be losing our pay. That is all.

14 THE CHAIRMAN: So there must be in  
15 their system some way of taking some rest at times?

16 THE WITNESS: Well, they work it  
17 some way. I do not know how.

18 THE CHAIRMAN: You are not acquainted  
19 with their procedure?

20 THE WITNESS: Well, I do not bother  
21 with it. It is no use.

22 THE CHAIRMAN: Do they pool their  
23 earnings, to your knowledge?

24 THE WITNESS: I would not know if  
25 they pool or not. I do not think they do. I think  
26 everybody works for himself, because there is some  
27 arguments there sometimes when a couple of American  
28 pilots met and one made more than the other, so I do  
29 not suppose they pool their money.

30 THE CHAIRMAN: As far as your may





1 English

2 have ascertained the tour de roll is observed?

3 THE WITNESS: As far as I can say  
4 for myself, yes, sir.

5 MR.JACQUES: What is your opinion  
6 of being an employee of the Department of Transport  
7 as a pilot?

8 THE WITNESS: Well, I think we  
9 should have somebody to look after us up there.

10 COMMISSIONER SMITH: If you had  
11 a choice which would you prefer, to be a self-employed  
12 free enterpriser or a Civil Servant, or whatever you  
13 are now?

14 THE WITNESS: Well, the way we work  
15 sometimes we would make a lot more money if we were  
16 on our own. Like I was reading there yesterday when  
17 you take three ships in a day in the Soo River. At  
18 \$200.00 you would sooner be on your own; anybody would.

19 THE CHAIRMAN: But the evidence  
20 we heard is that, for instance, at the Lakehead for  
21 12 to 17 days there was not a movage to be made.

22 THE WITNESS: Yes, but I was not  
23 that well off. I earned my money when I was there and  
24 I made more.

25 THE CHAIRMAN: But there are slack  
26 periods apparently.

27 THE WITNESS: That happens for one  
28 fellow, but not for me. You are asking about myself,  
29 what I prefer. Well, the way it happens for me I would  
30 have made more money the other way.





1 English

2 THE CHAIRMAN: Do you know whether  
3 they have any pension over there, the Americans -- a  
4 pension scheme?

5 THE WITNESS: Which?

6 THE CHAIRMAN: Whether the Americans  
7 have any pension scheme?

8 THE WITNESS: I could not tell you.  
9 I know they have insurance of some kind, but I could  
10 not tell you how they work that.

11 THE CHAIRMAN: So you do not know  
12 about their various benefits or fringe benefits they  
13 may have, like sick leave, hospital?

14 THE WITNESS: They got hospital;  
15 they got that.

16 THE CHAIRMAN: And sick leave;  
17 you do not know whether they have anything like that?

18 THE WITNESS: No, I do not know.

19 THE CHAIRMAN: I am not talking  
20 about holidays because I have heard they have none.

21 THE WITNESS: Holidays, they take  
22 whatever they can.

23 MR. JACQUES: Q. Do you know what  
24 is the take home pay of an American pilot?

25 A. No, sir; I do not know what they  
26 pay in their association -- how much they pay for their  
27 expenses. I could not tell you.

28 Q. You say if you had been working  
29 under the free enterprise system at times you would have  
30 taken more money than you have taken at the moment with





1 English

2 your salary?

3 A. Yes.

4 Q. You would have got more money?

5 A. Yes, sir.

6 Q. Do you take into account the fact  
7 that if you were working under the free enterprise  
8 system you might have administrative expenses?

9 A. Yes, sir, I understand that. You  
10 would have expenses.

11 Q. And if you wanted the same pension  
12 plan as you now have of course you would have to pay  
13 for it yourself out of your earnings?

14 A. Yes, sir.

15 Q. Have you taken all that into  
16 account?

17 A. Yes, sir.

18 Q. And with that you would still make  
19 more money as a free enterpriser?

20 A. Well, free enterprise, the way  
21 I mean free enterprise, three men could not start a  
22 free enterprise on their own. They would have to be  
23 affiliated with the other pilots and then they might  
24 be able to have the pension.

25 Q. Then they may?

26 A. Then they may start some kind of  
27 a pension fund together. That is the only way I can  
28 see it.

29 Q. You would have to form a group of  
30 some kind?





1 English

2 A. Yes, sir. Three men could not do  
3 it on their own.

4 MR. JACQUES: I see. Thank you.

5 THE CHAIRMAN: And you do not know  
6 for the Americans, for instance, how much it costs in  
7 a year for administrative purposes, the proportion of  
8 the salary?

9 THE WITNESS: No, sir.

10 THE CHAIRMAN: Or their revenues,  
11 rather?

12 THE WITNESS: No, sir.

13 MR. LALONDE: How old are you,  
14 Captain?

15 THE WITNESS: Fifty-seven.

16 MR. LALONDE: I just wanted to  
17 say that the Captain will just barely make it for his  
18 pension scheme, I think, because they need to have been  
19 in the pension fund for seven and a half years before  
20 they are entitled.

21 THE CHAIRMAN: I suppose that is  
22 why he is contributing now, because this will count.  
23 Otherwise they would not make him contribute, if he is  
24 not eligible.

25 MR. LALONDE: I do not know.

26 Would you be willing, if the  
27 situation was legally possible -- I do not think it is  
28 possible at the present time -- to have a kind of  
29 international association of pilots in District 3? That  
30 is, you would be a member of the American association on





1 English

2 the same level as the Americans there?

3 THE WITNESS: As long as they  
4 would look after our interests, yes.

5 MR. LALONDE: Finally, my friend  
6 Mr. Brisset, implied that you were a liar. I do not  
7 believe that you are. He says you had a change of heart  
8 since yesterday about your feeling of comparison between  
9 a pilot and a Master of a ship.

10 MR. BRISSET: My Lord, I object  
11 to this. I have changes of hearts overnight too and  
12 I do not consider myself a liar.

13 MR. LALONDE: I accept my friend's  
14 objections.

15 THE WITNESS: I explained why. It  
16 is not on every lake ship that it is like that. That  
17 one there was in bad shape and the company was taking  
18 advantage of me. I was the oldest man there and they  
19 would not change me. They left me there all the time  
20 when they could have put another man on to do it. That  
21 is the reason I quit.

22 THE SECRETARY: I have one question  
23 concerning an answer that you have given about the end  
24 of your working season.

25 THE WITNESS: Yes, sir?

26 THE SECRETARY: Under the Prevailing  
27 Rate Employees Regulations ---

28 THE WITNESS: Yes, sir?

29 THE SECRETARY: You say that you  
30 become off pay at the end of November?





1 English

2 THE WITNESS: Yes, sir.

3 THE SECRETARY: Or 1st December?

4 THE WITNESS: Yes, sir.

5 THE SECRETARY: Are you told in  
6 writing that you will become off pay at this specific  
7 time?

8 THE WITNESS: No, sir.

9 THE SECRETARY: How are you informed  
10 and by whom?

11 THE WITNESS: Pardon me?

12 THE SECRETARY: Who tells you that  
13 you will become off pay at the 1st December of the year?

14 THE WITNESS: Well, we are supposed  
15 to work eight months. We are guaranteed eight months.  
16 According to the ad in the newspaper when we applied for  
17 the job it was marked "Guaranteed eight months season."

18 THE SECRETARY: What is the beginning  
19 of the season then? What is the date at which you start?

20 THE WITNESS: Last year I was called  
21 for the 17th or the 18th April.

22 THE SECRETARY: Of April?

23 THE WITNESS: Yes, I think it is  
24 the 18th.

25 THE SECRETARY: And you say eight  
26 months from the 18th April?

27 THE WITNESS: Yes, sir.

28 THE SECRETARY: What would be eight  
29 months later? What would be the date of eight months  
30 later?





1 English

2 THE WITNESS: In 1962 I received,  
3 I think it is, up until the 17th December extra pay in  
4 December. This year I think it is 12 days I got in  
5 December.

6 THE SECRETARY: I was just trying  
7 to get that one answer to the question, Captain. Are  
8 you told specifically in writing or in some definite  
9 form at which time you would become off pay?

10 THE WITNESS: No, because I take  
11 it according to all the other pilots and District 2 and  
12 the other two fellows working with me that it is up  
13 to the 1st December.

14 THE SECRETARY: How do you find  
15 this out? How is the date fixed?

16 THE WITNESS: Pardon?

17 THE SECRETARY: How about the date  
18 for December last year? You were told you would be  
19 off pay in fact it was November 26th, were you not?

20 THE WITNESS: This year, 1963, yes.

21 THE SECRETARY: Who told you that?  
22 Did you decide that yourself?

23 THE WITNESS: That I be paid until  
24 the 1st?

25 THE SECRETARY: Yes.

26 THE WITNESS: Well, I was going  
27 according to all the other fellows.

28 THE SECRETARY: How about the  
29 other fellows, had they been told this would be their  
30 season?





1 English

2 THE WITNESS: I do not know where  
3 they got it.

4 THE SECRETARY: Did you check  
5 with the Duluth office or Ottawa?

6 THE WITNESS: No, I did not.

7 THE SECRETARY: Do you happen to  
8 know when was the end of the navigation season in 1963?

9 THE WITNESS: In 1962?

10 THE SECRETARY: 1963?

11 THE WITNESS: 1963 -- I do not  
12 know how late they were -- the other two fellows work  
13 in the Soo River and I do not know how late they were  
14 paid. But in the Welland Canal they were paid, I  
15 understand, until the 5th December.

16 THE SECRETARY: I am not referring  
17 so much to payment of pilots; I am referring to  
18 navigation. Was there navigation in the middle of  
19 December in the Soo?

20 THE WITNESS: The Soo River they  
21 usually close around the 20th December.

22 THE SECRETARY: And at the Lakehead?

23 THE WITNESS: The Lakehead is  
24 around that time, sometimes a day or two before the  
25 Soo Canal closes.

26 THE SECRETARY: Which date is that  
27 again?

28 THE WITNESS: The Welland Canal  
29 is around the Lakehead -- around the 18th or 17th.

30 THE SECRETARY: Of December?





1 English

2 THE WITNESS: December, yes, sir.

3 It was around that date. When I was on lake boats  
4 myself I was through the Soo on the 20th December.

5 THE SECRETARY: In 1962 you say  
6 you piloted for a period there after you had become  
7 off pay in 1962?

8 THE WITNESS: 1962, I did not do  
9 it.

10 THE SECRETARY: You did not?

11 THE WITNESS: One of the others  
12 did.

13 THE SECRETARY: Not yourself?

14 THE WITNESS: No.

15 THE SECRETARY: You never did it  
16 after becoming off pay?

17 THE WITNESS: No, because in the  
18 Soo River they stationed four American pilots there.  
19 They worked all summer to get all they could out of it.  
20 When December comes they want to be off it. In 1962  
21 I heard -- I was told by one of them -- that the two  
22 American pilots that were in the Soo River all the summer,  
23 they left in November. One of them was second mate on  
24 one of the Ford boats and the other one was third  
25 mate somewhere else. They wanted the Canadians to go  
26 and finish the river for them.

27 THE SECRETARY: Thank you, Captain,  
28 I have no more questions.

29 THE CHAIRMAN: Just one thing I  
30 want to correct in the record. You finished your work





1 English

2 on the 26th November, but you were paid to the 12th  
3 December. Would you explain why?

4 THE WITNESS: No, I was not paid  
5 until the 12th exactly. I did not come here to testify  
6 or anything; I just come here. I got nothing with me.  
7 But the form I got -- that I got my holiday pay from  
8 the 1st December to the 12th.

9 THE CHAIRMAN: That is what I wanted  
10 to have established; so you have some annual credit  
11 for some leave?

12 THE WITNESS: Yes; after the month.

13 THE CHAIRMAN: And it is given  
14 at the end of the season?

15 THE WITNESS: Yes.

16 THE CHAIRMAN: And in lieu of time  
17 they give you money?

18 THE WITNESS: Yes.

19 MR. LALONDE: So far as salary is  
20 concerned -- direct payment -- when you were employed  
21 were you told that you were employed for eight months?

22 THE WITNESS: I wasn't told by  
23 the Department; but it was marked as that in the  
24 advertisement in the newspapers, that it was for eight  
25 months.

26 MR. LALONDE: It was marked for  
27 eight months?

28 THE WITNESS: Yes.

29 MR. LALONDE: You say you had  
30 this statement in the advertisements which appeared in





1 English

2 the papers, that you would be working for eight months?

3 THE WITNESS: Yes.

4 MR. LALONDE: Did you keep a copy  
5 of that advertisement?

6 THE WITNESS: No. It was in one  
7 of the Toronto papers.

8 MR. LALDONE: Thank you.

9 MR. JACQUES: Thank you, Captain.

10 THE CHAIRMAN: Are there any other  
11 questions?

12 ---No response.

13 THE CHAIRMAN: Thank you, Captain.

14 CHARLES GRESS, Sworn

15 DIRECT EXAMINATION BY MR. JACQUES:

16 Q. What is your full name, Mr. Gress?

17 A. Charles Gress.

18 Q. And what is your occupation?

19 A. My own occupation, or in relation  
20 to the Commission?

21 Q. In relation to the Commission.

22 A. Chairman of the Windsor Harbour  
23 Commission.

24 Q. Chairman of the Windsor Harbour  
25 Commissioners?

26 A. Yes.

27 Q. And how long have you been Chairman?

28 A. Two months.

29 Q. Were you a Commissioner prior to  
30





1 English

2 that?

3 A. Yes; I have been a Commissioner  
4 for three years prior to that.

5 Q. And the Windsor Harbour Commission  
6 was formed, I believe, in 1957, was it?

7 A. That is correct.

8 Q. That Commission wrote to you,  
9 or to the Commission, some time in February, and asked  
10 you to prepare certain information?

11 A. That is right.

12 Q. The limits of your harbour, I  
13 believe, are given in section 4 of the Act as amended  
14 in 1960?

15 A. Correct.

16 Q. Now, could you explain to us the  
17 reason for that amendment?

18 A. That Act was amended to include  
19 the Town of Ojibway which is downstream from the City  
20 of Windsor.

21 Q. And why was that done? Why was  
22 that done? Was there a particular purpose?

23 A. It was felt advantageous to have  
24 this particular area embodied in the Windsor Harbour  
25 Commission.

26 Q. The section which was amended was  
27 for the control of movements and speed of vessels --  
28 the control of the navigation and speed of vessels --  
29 within the harbour at Windsor?

30 A. Yes.





1 English

2 Q. And the powers to control the  
3 navigation, or the authority to control the navigation,  
4 was given you in this Act and you have adopted by-laws  
5 to that effect -- P. C. 1961-16605 and P. C. 1959-1606?

6 A. Yes.

7 Q. Are the powers listed in those  
8 by-laws in fact exercised by the Commissioners?

9 A. Not to the full degree.

10 Q. To what degree are they exercised?

11 A. They are exercised in as much as  
12 our harbour master can control the movement of vessels  
13 from shore. We have no radio-telephone communication  
14 or harbour boat facilities at the present time.

15 Q. And is your harbour master a man  
16 with previous sea experience, or marine experience?

17 A. No; his previous occupation was  
18 that of customs brokerage.

19 Q. And what is the extent of the use  
20 of these powers, as a matter of fact? You say he  
21 controls as much as he can from the shore.

22 A. Windsor Harbour Commission does  
23 not own their own wharfage facilities and consequently  
24 we don't even have a great deal of control over the  
25 boats that come into the harbour. His duties are  
26 basically in relation to collecting fees and normal  
27 pollutions and other matters that would affect the  
28 harbour generally.

29 Q. Since you haven't got your own  
30 walls he doesn't direct ships to tie up at a given





1 English

2 berth?

3 A. No. We have one wharf under  
4 negotiation at the moment; but 90% of our wharves  
5 are privately owned.

6 Q. What sort of traffic do you have  
7 in Windsor?

8 A. Do you mean the type of cargo?

9 Q. The type of cargo.

10 A. Steel, salt, coal, petroleum  
11 products, general cargo.

12 Q. Import and export. What is the  
13 largest commodity which you import?

14 A. We have in the top bracket  
15 petroleum and coal; salt is a large quantity; and  
16 steel.

17 Q. And what is the largest commodity  
18 that you are exporting, or that goes out of your  
19 harbour?

20 A. I should correct that. We don't  
21 import our salt. It is an export product and it is  
22 the largest export product.

23 Q. And how many deep sea ships did  
24 you have, say, last year, calling at your port?

25 A. I don't have that figure. It  
26 wasn't outlined to me in the questions, so I didn't  
27 bring it with me. But I would say probably in the  
28 neighbourhood of 75 or 80.

29 Q. 75 or 80 ocean-going ships?

30 A. Yes.





1 English

2 Q. The third question is as to  
3 whether or not you have got a radio-telephone and  
4 you say that you have no radio-telephone. That  
5 settles that problem.

6 Do you have any tugs?

7 A. No.

8 Q. You have no tug?

9 A. There is no tug required in our  
10 docks in the Windsor area.

11 Q. The next question was accidents  
12 to port installations caused by vessels during the  
13 last five years. Have you prepared a statement in  
14 that respect?

15 A. This is confusing. Are you  
16 referring to port installations owned by us, or the  
17 public?

18 Q. The installations within the  
19 geographical limits of the Commission.

20 A. There were no damages to port  
21 installations in the last five years that were reported  
22 to us that we are aware of. There were some, casual  
23 and minor in nature, that we are aware of only through  
24 the newspapers; but they were never reported to us and  
25 we never became officially involved in the damage.

26 Q. Have you had groundings or  
27 collisions and things like that in your harbour?

28 A. Not within our harbour, no. There  
29 was one just within a few feet of us, but not within  
30 the harbour.





1 English

2 Q. Not within the harbour?

3 A. It was the "MONTROSE" when she  
4 sank in a collision.

5 Q. The next questions was whether  
6 you had attended inquiries into shipping casualties.  
7 If you have had no casualties you wouldn't have?

8 A. We have attended no inquiry or  
9 had any notice of any inquiry.

10 Q. Have you the set-up to have an  
11 inquiry if you wish?

12 A. If they are within our harbour.

13 Q. Would you describe the set-up of  
14 the investigation that you might wish to have?

15 A. Just as is embodied in our by-laws,  
16 that we can inquire into any accident or damages in  
17 the harbour.

18 Q. The next question was delays in  
19 docking and undocking of vessels?

20 A. There has been no delay in  
21 docking and undocking of vessels. I wish there were.

22 Q. You wish there were?

23 A. We would be having more traffic  
24 than we could handle.

25 Q. And the last question was whether  
26 pilotage services are provided by you?

27 A. No.

28 Q. Have you thought of providing  
29 some sort of service?

30 A. No, we haven't. We don't think it





1 English

2 is necessary within our harbour. Our facilities are  
3 very easy to get in and out.

4 Q. And you would have pilots, in any  
5 case, in the Detroit River....

6 A. Yes.

7 Q. ....on all ships coming up the  
8 Detroit River?

9 A. Yes.

10 Q. They have a pilot?

11 A. But not under our regulations.

12 That is, the ships -- the Masters themselves -- would  
13 decide whether they needed a pilot; but we don't  
14 require any.

15 MR. JACQUES: Thank you.

16 COMMISSIONER SMITH: Do these  
17 pilots pilot ships into the port of Detroit?

18 THE WITNESS: I couldn't answer  
19 that; I don't know.

20 THE CHAIRMAN: Are there any  
21 further questions?

22 Yes, Mr. Mason?

23 CROSS-EXAMINATION BY MR. MASON: You mentioned that 90%  
24 of your facilities are privately owned; is that  
25 correct?

26 THE WITNESS: Yes.

27 MR. MASON: What type of service  
28 do you provide for shipping? I gather it is collecting  
29 the fees from ships when they come into your harbour?

30 THE WITNESS: We don't provide any





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1 English

2 service at the present time except the international  
3 services are provided through the Department of Public  
4 Works for dredging; but we don't provide any services.

5 MR. JACQUES: As regards dredging,  
6 do you do any dredging?

7 THE WITNESS: No, we don't.

8 MR. JACQUES: Who does it?

9 THE WITNESS: That particular  
10 portion of the river is done by the United States Corps  
11 of Engineers.

12 MR. JACQUES: And do they work  
13 inside your territorial limits?

14 THE WITNESS: No. There is no  
15 need for dredging within our limits. Any dredging that  
16 is done which is actually for the private docks is  
17 done by the people who own the docks -- the people who  
18 own the facilities.

19 MR. JACQUES: But the approaches  
20 to the harbour?

21 THE WITNESS: Our harbour is on  
22 the international boundary on the main channel.

23 MR. JACQUES: So the Americans,  
24 if they do any dredging in the river, would automatically  
25 do any dredging necessary to reach Windsor?

26 THE WITNESS: Except that in this  
27 particular portion the channel has ample depth. There  
28 is really no dredging required in that area.

29 MR. JACQUES: Thank you.

30 MR. MASON: One last question while





1 English

2 my friend, Mr. Lalonde, is looking at the chart: Can  
3 you give me an idea of the total amount that you would  
4 collect in fees from vessels in any one year?

5 THE WITNESS: If I am directed to.  
6 I don't know if this is not the criterion of the  
7 Department of Transport to release that information.  
8 They get our financial statements.

9 MR. MASON: Thank you.

10 MR. LALONDE: Did I understand  
11 you to answer that you didn't need any dredging in  
12 the harbour at all?

13 THE WITNESS: We don't, no.  
14 Definitely there hasn't been any in the last four or  
15 five years anyway.

16 MR. JACQUES: Q. Have you any  
17 slips which are in use?

18 A. We have one slip, yes, under a  
19 three-party agreement. It is right here (indicating).

20 Q. And when you say "here" where is  
21 that slip?

22 A. That is the slip at the town of  
23 Ojibway.

24 Q. We will circle it in red on  
25 Exhibit 987, with the letter "L".

26 And who maintains the slip?

27 A. This slip is maintained by  
28 Borden Chemical of Canada.

29 Q. By the user of the slip?

30 A. By the owner of the property. The





1 English

2 slip is under lease to the Windsor Harbour Commissioners.

3 COMMISSIONER RENWICK: I understood you  
4 to say that the Harbour Commission does not provide  
5 any facilities. How do you justify your existence,  
6 in that case?

7 THE WITNESS: Sometimes it is a little  
8 difficult. Our function, being a new Commission and  
9 having been a Commission set up without funds, is to  
10 investigate and develop harbour facilities as quickly  
11 as possible. We are in the throes now of doing this  
12 by a complicated three-party agreement with private  
13 enterprise.

14 COMMISSIONER RENWICK: You don't provide  
15 water to the ships or anything like that?

16 THE WITNESS: No; the city services  
17 practically all these docks.

18 THE CHAIRMAN: Are there any other  
19 questions?

20 --- (No response)

21 THE CHAIRMAN: Thank you very much.

22 L. A. WHITAKER, Sworn

23  
24 DIRECT EXAMINATION BY MR. JACQUES:

25 Q. Would you state your full name  
26 and occupation, please?

27 A. Edward L. A. Whitaker. I am  
28 Commissioner Industries of City of Kingston, and one  
29 of my responsibilities, in common with the Commission,  
30 is the promotion and development of the port of Kingston.





1 English

2 Q. You have prepared a brief which  
3 was forwarded to the Commission on June 29th, 1963?

4 A. Yes, sir.

5 MR. JACQUES: I should like to  
6 file this brief as Exhibit No.?

7 THE CHAIRMAN: 1091.

8 ---EXHIBIT NO. 1091: Brief submitted by Kingston  
9 Industrial Commission.

10 Q. Now, sir, this brief will be  
11 taken as read, but I should like you to explain more  
12 fully the history of Kingston, let us say prior to the  
13 St. Lawrence Seaway opening and after the Seaway  
14 opening. Have there been any changes in the trade  
15 pattern in Kingston?

16 A. Yes, sir. Historically the port  
17 of Kingston was the transit point. River boats were  
18 unloaded and loaded for return trip at the port of  
19 Kingston, and the lake boats, likewise. It was a  
20 transit point.

21 With the coming of the Seaway, it  
22 was materially interfered with, with the 14 foot depth,  
23 with the 27 foot depth, which has been obliterated.  
24 What will happen when we go to 35 or 40 foot depth,  
25 we don't know. We are trying to be prepared for that.

26 The whole pattern of trade has  
27 changed. Not only did it change as a result of the  
28 Seaway deepening; it changed as the result of rail  
29 competition over the years. Road competition has had  
30 some effect also. Rail competition is bad because you





English

1  
2 can get an agreed rate with the railway which will  
3 equal for 12 months of the year the Seaway traffic  
4 for the duration of the opening of the Seaway, so that  
5 it has become economically a very, very competitive  
6 business of securing water-borne cargo.

7 Q. Would you explain to the Commission  
8 how the Commission can help you in your aims, and  
9 particularly with reference to pilotage in Kingston?

10 A. That is a very sore point with us.  
11 Prior to 1961 it was not necessary to have a pilot to  
12 enter or leave the port of Kingston provided the sea-  
13 going ship, the Captain, had the qualifications for  
14 entering the lakes with a B certificate. Just how  
15 it happened, I don't know. The term I use I would not  
16 want to use here because it is extremely critical. In  
17 any case, we ended up with the port of Kingston, the  
18 harbour of Kingston being within both the designated  
19 waters and the Kingston Pilotage District. That means  
20 it costs us \$50.00 extra to get into the harbour from  
21 the open waters of Lake Ontario, and \$50.00 to get out,  
22 and a \$50.00 harbour movement. It could be as bad as,  
23 to bring a ship in, \$50.00, and if for some reason or  
24 other they have to move it twice at berth and take it  
25 out again, it could be as much as \$200.00, plus the  
26 expenses of bringing the pilot in and out and so forth.

27 When you are rebuilding a port,  
28 you are searching feverishly for cargo. As low as  
29 180 tons. We have, of course, approached all the  
30 shipping interests, or nearly all of them -- there may





1 English

2 be some that we don't know about -- soliciting their  
3 help, their encouragement, and in some cases almost  
4 financial assistance in that they come in at a relative  
5 loss of profits or profits so negligible as to be not  
6 worth while.

7 I have in mind one particular cargo  
8 from Italy of 180 tons of slab marble and marble chip  
9 for a firm in Kingston which uses that sort of material  
10 in a manufacturing way. There is no profit in that  
11 coming into the harbour and going out again. The  
12 shipping company agreed to it to help us in the hopes  
13 that as we developed they will get larger cargos and  
14 there will come a time when they are making money, and  
15 we have found them most willing to help.

16 Q. In your dealings with the shipping  
17 companies, was any mention made of pilotage expenses?

18 A. Yes. Now, you will understand  
19 that with the position I have and the way I work, I  
20 have many more responsibilities than this. It is not  
21 possible for me to check to the extent that I would like  
22 to since I am testifying under oath, so that some of  
23 this is hearsay, but I believe it to be factual. I have  
24 had considerable complaints over the last two years  
25 from various ship captains, and I am also informed that  
26 on at least two occasions the accounts were questioned  
27 and reduced. The accounts come from the United States.

28 Q. The pilotage accounts?

29 A. The pilotage accounts, yes. They  
30 come from the United States, and they come at a later





1 English

2 date. The captain does not get the charge when he is  
3 in port. It goes to the agents, and there have been  
4 complaints.

5 We are not basing our request to  
6 the Commission on these facts -- they enter into it --  
7 but we are not basing it on any excess charge or not  
8 enough charge. Our contention is that the charge is  
9 entirely unjustifiable whether it is 10¢ or \$200.00.  
10 We have had complaints, yes. We have had pilotage  
11 difficulties. They stem I believe from the relative  
12 or complete inexperience of certain pilots in our  
13 waters.

14 So far as I am concerned in my  
15 time in Kingston the groundings have been with pilots  
16 on board. The delay has been the responsibility of  
17 pilots; in each instance I believe it has been a  
18 United States trained pilot.

19 MR. LALONDE: Would you repeat that?  
20 (Reporter reads back: "In each instance I believe it  
21 has been a United States trained pilot.")

22 THE WITNESS: They simply do not  
23 know our waters. How they are licensed, I don't know.  
24 I understood the requirements were that they had to  
25 know all the waters, but they don't know ours. That is  
26 all there is to it.

27 Q. Well, sir, I understand that in  
28 Kingston grain elevators are in fact quite close to  
29 the limits of the designated waters?

30 A. Yes, sir.





1 English

2 Q. Is that correct?

3 A. Yes.

4 Q. I see there is mention in your  
5 brief that this is in fact open waters right up to  
6 the dock, and I believe that you mention there is no  
7 need for a pilot to take a ship away from the dock  
8 or to the dock?

9 A. No, in our judgment there is not  
10 a requirement for a pilot to enter or leave the harbour  
11 of Kingston. I grant you there are some shoals, but  
12 presumably a man who is in charge of a ship is  
13 able to navigate and direct the steering of a ship.

14 If there is a requirement in  
15 the harbour itself, we would be quite prepared to  
16 supply the pilotage. We have competent persons  
17 resident in our area who at previous times have acted  
18 as pilots on the Seaway, and they would do that much  
19 the same as is done in the port of Toronto and, I think,  
20 Hamilton.

21 Q. Yes?

22 A. Our pure contention is that we  
23 are penalized in respect to the ports of Toronto and  
24 Hamilton, and I gather now from Windsor since no pilot  
25 is required in the harbour particularly.

26 Q. I'm sorry. The Windsor position  
27 is a little different. They do not need a pilot because  
28 ships going to Windsor would have to take a pilot to  
29 go up the Detroit River; down the St. Clair River.

30 A. Might I inquire are they required





1 English

2 to have a pilot for a movement at the dock?

3 Q. Yes, sir, they are, because they  
4 are in designated waters, but the position is different  
5 from that of Kingston because in Kingston there is  
6 direct access from the lake which is an undesignated  
7 water where no pilot is required, whereas Windsor is  
8 about halfway up the designated water section.

9 A. Yes.

10 Q. I'm sorry to have interrupted you.  
11 You would be willing to set up your own pilotage  
12 system in Kingston?

13 A. In the harbour, yes, sir.

14 Q. Have you studied the cost of  
15 providing such a service, the probable revenue?

16 THE CHAIRMAN: You would be  
17 willing to organize your own service? What would be  
18 the reason for the existence of such a service?

19 THE WITNESS: Pardon?

20 THE CHAIRMAN: The existence of  
21 such a service, would that be safety of the harbour  
22 or just as a service to shipping?

23 THE WITNESS: It would be a  
24 service for those requiring it. I do not think that  
25 it is required as a necessity. Lake ships of course  
26 enter and leave the harbour without a pilot. The lake  
27 freighters who are exempt, in any case.

28 If they require one, they can  
29 ask for it, and of course under the present system we  
30 cannot use our retired pilots who are living there and





English

1  
2 know it, but that is what we would do. It would not  
3 be a pilot on salary, certainly not at this stage of  
4 the game. It would be pilots who are available, who  
5 know the waters, and who would be very happy to do  
6 it on a leaser fee than is presently charged, and yet  
7 an adequate fee for them.

8 MR. JACQUES: Q. My question was have  
9 you made any study of the probable expenses involved  
10 and the probable revenue?

11 A. Yes and no. We have not made a  
12 particular study. Prior to 1961 it was done in that  
13 fashion, it was done on the fee system, and the pilot  
14 who rendered the service received all the fee. We  
15 believe that that would be satisfactory for the  
16 reasonable future.

17 Q. At no expense to the port?

18 A. That is right. We are a public  
19 harbour, of course, and the harbour master who also  
20 acts as the wharfinger, and on occasion agent, he  
21 is registered agent, and he also acts as a sub-agent.  
22 Obviously in a port at our stage of redevelopment,  
23 finances are a particular point.

24 Q. There is another idea expressed  
25 in your brief on which I should like you to say more  
26 than is said; that is that pilotage dues are in fact  
27 a tax levied by the government. Would you explain that  
28 point of view, please?

29 A. Yes, sir. When a service is a  
30 voluntary service, both ways, much as a store is opened





1 English

2 and a merchant offers goods for sale, and you go in  
3 and you look and you offer to purchase, that is a  
4 voluntary and free action. I have heard the term  
5 "free enterprise" used. I don't like it, but perhaps  
6 it is the best indication of what I mean there.

7 However, when you pass a law and  
8 say this service which was formerly a voluntary service  
9 is now a compulsory service, you are back to the  
10 position where the merchant offers a pair of socks and  
11 you walk in, and the merchant says, "I have a law here  
12 which says you must purchase these socks", so you must  
13 pay for them, you must pay the price which has been  
14 set, you must pay the expenses which are in addition  
15 to the price, and if that is not a tax, sir, on the  
16 service that is being rendered, my economics are at  
17 fault. This is my thinking. The Commission agreed to  
18 it, and it is in the brief, but it is my thinking that  
19 compulsory pilotage has in fact become a tax upon  
20 shipping, which again is reflected and must be reflected  
21 in the cost of carrying goods.

22 Q. What consequence or what con-  
23 clusion would you draw from that statement?

24 A. I believe that it is an unjust  
25 act, that if the service of pilotage is necessary, then  
26 that is all right. But if it is not necessary, it  
27 should not be required by law, and prior to 1961 it  
28 was not required.

29 How it came about, I am not too  
30 sure. I think it was neglect on the part of a specific





1 English

2 individual who was elected and paid to look after  
3 those things, but that is neither here nor there. Prior  
4 to that time we had freedom of choice. Now we have  
5 no freedom of choice.

6 Q. Yes, sir?

7 A. I think that is all, sir. We  
8 have no freedom of choice now, whereas we had it, and  
9 we do not believe that the imposition of the obligation  
10 to accept the service is a valid one.

11 MR. JACQUES: Thank you, sir.

12 CROSS-EXAMINATION BY MR. BRISSET:

13  
14 Q. If you were to employ the pilots  
15 that you have in mind, the residents of Kingston, who  
16 would set the fee they would be paid? Would it be  
17 your Commission or an arrangement between the ship and  
18 the pilot?

19 A. I think it would probably be an  
20 arrangement between the pilots available sitting down  
21 and talking with our Commission, with the Harbour Master,  
22 and with what we think would be a fair charge. I  
23 have in mind a charge, but that is neither here nor  
24 there. I think that would be the way it would be  
25 arrived at.

26 Q. You foresee no difficulty in  
27 this regard?

28 A. We had no difficulties before, and  
29 I see no reason why we should have any again, sir.

30 Q. These pilots who would be available





1 English

2 in Kingston, I take it they are either retired Masters  
3 or persons who have other occupations and would do the  
4 job on a part-time basis; is that correct?

5 A. Yes. As a matter of fact, our  
6 Harbour Master was previously a pilot, but as was  
7 pointed out yesterday, under the Shipping Act he cannot  
8 be a pilot when he is the Harbour Master. Perhaps  
9 if it became a Commission harbour, he could.

10 Q. In other words, if that legislation  
11 was not there you could very easily use your Harbour  
12 Master?

13 A. Yes.

14 MR. BRISSET: Thank you very much.

15 MR. JACQUES: My attention was  
16 drawn to perhaps an inaccuracy. Your Harbour Master  
17 was Supervisor of Pilots, I believe?

18 THE WITNESS: Oh, was he?

19 MR. JACQUES: He was not actually  
20 a pilot.

21 THE WITNESS: I stand corrected.

22 CROSS-EXAMINATION BY MR. LALONDE:

23  
24 Q. Would you say that being the  
25 Supervisor of Pilots would be enough anyway that he  
26 could do the job?

27 A. I am not suggesting that he would  
28 be the person, sir, who would act as a pilot. We  
29 have a qualified person in Kingston.

30 Q. I understand that before 1959 when





1 English  
2 the Seaway was opened all ships were passing by  
3 Kingston, or were they passing by Cape Vincent, the  
4 Cape Vincent side of Wolfe Island?

5 A. I think a considerable number  
6 passed by the Cape Vincent side. I was not resident  
7 in Kingston in 1959, so I would not be able to testify  
8 of my own knowledge. But from my reading and talking  
9 I understand that both sides were used.

10 Q. Yes. Would you have the total  
11 number of ocean-going ships that called at Kingston  
12 in 1958 -- that is, before the opening of the Seaway --  
13 and then in 1959 after the opening of the Seaway,  
14 1960, when in 1959 and 1960 you had the same old  
15 system except that the Seaway was opened, and then  
16 in 1961 when you had the new system of the Great Lakes,  
17 and 1962?

18 A. I would not have it for the  
19 years prior to 1962. I would suggest that they were  
20 very scarce. There was no effort made to promote the  
21 port. It was not until 1961 that the promotion became  
22 a little more active. I have the figures for 1962 and  
23 they comprise some 28 ships in and out.

24 Q. Deep sea?

25 A. 24 ships but 28 voyages. Four came  
26 in twice. They are deep sea, yes. We had 187 vessels  
27 in and out of the port in 1962 but of those 28 were  
28 deep sea.

29 Q. And then in 1963?

30 A. In 1963 it was down markedly. I





English

think there were 105 vessels all told. I would not swear to that figure because I have not been able to pin it down. Our Harbour Master, who of course knows everything that goes on, was in England for some months and he just got back the other day. But I believe it is close to 105, which is a drop of some 82. And the ocean ships were down to about 23 or 24. Two or three were in four times each and there were a few more in twice.

We have made arrangements with an English line that uses Kingston as a terminus. They were cancelling that this year on the grounds of cost -- not entirely pilot cost, other costs -- but I think we salvaged that by arrangement, shall we say; not pilotage arrangement, arrangement on other costs.

Q. You mean to say in 1963 there were about 24 voyages in and out or 24 ships?

A. Twenty-four ships, 28 voyages.

Q. In 1963?

A. In 1962. 1963 would be down to about not more than 24 sailings and possibly 14 ships, 15 ships -- somewhere in that neighbourhood.

Q. Fewer ships but a reduction of only about four voyages deep sea 1963 compared to 1962?

A. A reduction of about 50% in the tonnage of grain carried.

Q. I see. So you had a very substantial reduction of lake shipping in Kingston?

A. Yes, again the grain trade having





1 English

2 most to do with it.

3 Q. In that case I am sure pilotage  
4 would not have had anything to do with that?

5 A. No; pilotage was not required for  
6 that.

7 Q. I understand you to say that  
8 before 1962 you do not have any figures at all for deep  
9 sea?

10 A. No. In 1961 there were only about  
11 -- if there were ten ships I would be surprised, but  
12 I did not take over. When I say I take over, the  
13 Commission was not charged with the responsibility of  
14 harbour growth and development until the end of 1961.

15 Q. I see, and before 1961 when the  
16 new pilotage system was in effect, do you have any idea  
17 as to the number of ships that did call to Kingston?

18 A. The total number?

19 Q. Of deep sea ships?

20 A. Of deep sea ships, no, it would  
21 be a lesser amount than that.

22 Q. I see.

23 A. It is quite a problem developing  
24 cargo in there. I do not know whether you are familiar  
25 with the city or not, but the type of manufacturing is  
26 such that there is not too much in the way of exports.  
27 It is developing slowly and the imports are of an odd  
28 nature too in that they cannot all come in the season.

29 Q. I understand you export mainly  
30 grains from Kingston?





1 English

2 A. Some of it perhaps they are  
3 glad to export.

4 Q. So before the Seaway opened and  
5 before the new system was in effect in 1961, you had  
6 very few deep sea ships calling at Kingston; is that  
7 correct?

8 A. That is correct. I would not  
9 want you to draw the inference that you may be seeking  
10 to draw, because there was no effort to promote the  
11 port actively in those years whereas there had been  
12 since 1961.

13 Q. Were you there at the time?

14 A. Again I may be speaking from  
15 hearsay from having talked to people and examined what  
16 was done and examined the amounts of money that were  
17 spent and so forth.

18 Q. You referred to charges for  
19 pilotage which included a straight pilotage charge  
20 plus expenses?

21 A. Yes, sir.

22 Q. Have you ever seen pilotage bills  
23 in Kingston harbour?

24 A. No, I have never taken the trouble  
25 to look at them. I rely on the honesty of our collector  
26 and the Harbour Master and the ship's captains.

27 Q. Has your Harbour Master ever seen  
28 pilotage -- or has he told you he has ever seen or  
29 checked pilotage charges?

30 A. Yes.





1 English

2 Q. Yes, and is he the one who has  
3 told you that there were pilotage expenses charged  
4 in addition to --

5 A. He and ship captains.

6 Q. And you never investigated that?

7 A. No. I have never been one to  
8 keep a dog and do my own barking, sir.

9 Q. I see. Have you these expenses  
10 you are referring to? Are they pilot boat expenses  
11 or travel expenses?

12 A. Largely the pilot boat expenses.  
13 There could be expenses of another nature, but the  
14 pilot boat would, I would think, in all cases be the  
15 overriding .....

16 Q. You are referring to the pilot  
17 boat charge at Cape Vincent or Kingston itself?

18 A. At Cape Vincent. We do not have  
19 a pilot boat in Kingston harbour. It comes from Cape  
20 Vincent. The pilots come from Cape Vincent.

21 Q. This is your understanding, that  
22 in addition to the charges provided by the tariff in  
23 Kingston, in District #1, there is a charge for the  
24 pilot boat at Cape Vincent?

25 A. Yes.

26 Q. That is what you are referring to?

27 A. Yes.

28 Q. I submit you should check into the  
29 pilotage charge and you will never find that.

30 A. I would be surprised, sir, and I





1 English

2 will check into it.

3 Q. I suggest you check into the  
4 tariff and the pilotage bills.

5 Are you aware also that the pilots  
6 in District #1 are not entitled to charge any travel  
7 expenses or living expenses when they are working in  
8 the District itself?

9 A. No. You mean, that the pilot  
10 may not charge any expenses beyond the \$50.00 service  
11 charge which is levied for piloting?

12 Q. Yes.

13 A. Well, if that is true, sir, it  
14 is in complete variance with all the complaints that  
15 have been relayed to me from people who say they have  
16 had to pay them.

17 Q. The people who were saying that,  
18 were they masters of ships who talked to you directly?

19 A. Masters of ships, the Harbour  
20 Master.

21 Q. They talked to you directly, and  
22 your Harbour Master?

23 A. Yes, as a rule. Every deep sea  
24 ship that comes in, if I am in the city I go down and  
25 make a courtesy call.

26 Q. Are you aware that the pilotage  
27 bills are never sent to the Masters of ships?

28 A. Oh, yes, quite aware of it.

29 Q. Are you aware that they do not  
30 even see the pilotage bill?





1 English

2 A. The masters, many of the ones  
3 I have talked to, I do not know whether they see the  
4 bill or not. But obviously they must somewhere along  
5 the line hear a word of what it costs to operate their  
6 ship in and out of various ports.

7 Q. Have you raised this problem  
8 with either Captain Edwards at Cornwall or the dispatch-  
9 ing service at Cape Vincent?

10 A. You mean, the cost of charges?

11 Q. Yes.

12 A. No, because the charges, as we  
13 have tried to make plain, it is not the amount of the  
14 charge, it is the fact that the charge in toto is not  
15 in our view a justifiable charge in the port of  
16 Kingston. We would not care if you offered to do the  
17 service for ten cents; we would still feel it was  
18 not.....

19 Q. You do not care so much about  
20 the amount one way or the other?

21 A. I could not say that. Every  
22 prudent man cares about money.

23 Q. This Italian ship you referred to,  
24 when did he come to Kingston? What year was that? Or  
25 when did he decide that he would not come to Kingston?  
26 I think you referred to a cargo of marble.

27 A. He came in.

28 Q. He did come?

29 A. Yes. He brought the cargo of  
30 180 tons. I just used it as an example that they did





1 English

2 not make any money on the trip at all. We have two  
3 or three ships come in that did not make any money.  
4 The same as we have stevedores who come in and do  
5 stevedoring and I am quite confident they do not show  
6 any profit. They are doing it. We go down cap in  
7 hand, and occasionally we go down on our knees too. We  
8 want people to help us build that port up and we have  
9 found people who have been most cooperative and most  
10 generous.

11 Q. The fact that this particular  
12 ship for instance did not make any money, how did you  
13 find out about this? Was it an assumption on your  
14 part that he did not make any money?

15 A. It is a reasonable assumption  
16 when you know the costs of operation and so forth. If  
17 you wanted me to go on oath and say exactly what it  
18 costs to operate that ship per day, I could not do it.

19 Q. I see. Have you had maritime  
20 experience before yourself?

21 A. I have sailed, ex-Navy, but not --  
22 no. I am a student of economics.

23 THE CHAIRMAN: I understand now  
24 that Kingston is in a very difficult situation, but  
25 was this not brought about by the opening of the Seaway  
26 which changed the pattern altogether?

27 THE WITNESS: Yes, sir, to a  
28 considerable extent. However, that should have been  
29 foreseen and the steps that we have taken and are trying  
30 to take should perhaps have been started ten, fifteen





1 English  
2 years ago.

3 THE CHAIRMAN: Yes.

4 THE WITNESS: But there is no  
5 question that the Seaway.....

6 THE CHAIRMAN: I understand that  
7 prior to 1959 Kingston was one of the terminals for  
8 transshipment in the lakes?

9 THE WITNESS: That is right.

10 THE CHAIRMAN: From big lakers to  
11 canalers?

12 THE WITNESS: Yes. Actually it  
13 worked out that Kingston did not have to do anything.  
14 It happened to be in the proper place in the circumstances  
15 and, as so often happens, you neglect to plan for  
16 changes.

17 THE CHAIRMAN: I understand that  
18 this role may come again because in the upper lakes  
19 they are making very big ships that will not be able  
20 to go down the Seaway, or they will not be able to go  
21 through the Welland Canal either; so you will be in  
22 luck.

23 THE WITNESS: There seems to be a  
24 feeling that the Seaway will have to be enlarged once  
25 more perhaps in fifteen or twenty years.

26 MR. JACQUES: We had evidence that  
27 there is some capital dredging done east of Wolfe  
28 Island off Quebec Head?

29 THE WITNESS: Yes, sir.

30 MR. JACQUES: You are aware of that?





1 English

2 THE WITNESS: Yes, to 23 feet.

3 MR. JACQUES: Did your Commission  
4 or the City of Kingston, or whatever authorities there  
5 are there, participate in the request for that  
6 dredging? We were given to understand that the pilots  
7 asked for that.

8 THE WITNESS: We assisted in it,  
9 yes. I do not know that it was done formally.

10 I find that you get a great deal  
11 done on occasion if you talk to the people who are  
12 in the service. Then when a formal request is made  
13 -- in other words, I prefer to feed information in  
14 at a level where it will be used and understood. Then  
15 when the political approach is made information is  
16 there, because they always ask for it down.

17 We had a minor interest in that  
18 and the City did make representations through our  
19 member of Parliament, yes. It was not deep enough.  
20 Twenty-three feet is not sufficient -- 27 feet is the  
21 requirement -- but you take what you can get. The  
22 Harbour will be dredging this summer the inner harbour  
23 and the channel too, I think, 19 feet. The ultimate  
24 plan is deeper than that, but to be really effective  
25 you have to have Seaway depth.

26 MR. JACQUES: Thank you, sir.

27 MR. LALONDE: Q. Do you have in  
28 your files correspondence with shipping companies or  
29 agents in which these persons would state that they  
30 would not call to Kingston because of high pilotage





1 English

2 expenses?

3 A. No, I do not think you would ever  
4 get a statement like that, sir. I do not think that  
5 anybody would ever give you that as a written explanation.  
6 If you were going to bring in a ship, say, a 5,000  
7 tonner, and the complete cargo was for Kingston, then  
8 \$100.00, \$200.00, \$300.00 would not be an important  
9 item. Where you are talking about general cargo it  
10 becomes an important item because you have your day's  
11 cost of operation of the ship and you have these extra  
12 charges, which in some cases might very well equal the  
13 freight charge.

14 Q. Would you please take your brief?  
15 Do you have a copy of your brief with you?

16 A. Yes.

17 Q. I draw to your attention paragraph  
18 13. First you state that most foreign masters  
19 acquire a B certificate after their first voyage. Are  
20 you aware that the requirement is two voyages?

21 A. That is right, sir -- after their  
22 first voyage. They would have to make the second  
23 voyage after their first and normally they qualify  
24 after that.

25

26

27

28

29

30





1 Q It should read "two" instead of  
2 "first" -- the "... first two voyages ... "?

3 A I will bow to that view.

4 Q And the requirement here is not  
5 even two voyages; it is two round trips; which would  
6 mean about four voyages in and out?

7 A Well, we won't quibble. I would  
8 quarrel with you on that interpretation but ...

9 Q Well, going to Paragraph 15, you  
10 state that there is a requirement, Cape Vincent to  
11 Kingston, of \$100 plus expenses. I understand you  
12 have made this statement about expenses?

13 A That is right; the pilot boat  
14 charges, yes.

15 Q But you didn't enquire, whether,  
16 in fact these things were charged directly ...

17 A I am told they are and I accepted  
18 the statement. If I am wrong I regret it. I believe  
19 that it is correct.

20 Q Now, in Paragraph 18 you state  
21 that the shoal exists and that it is significant that  
22 the grounding of ships is by the pilots giving  
23 directions?

24 A Yes.

25 Q Have you made a survey of ground-  
26 ings in Kingston and in the approaches of Kingston?

27 A My information there comes from  
28 the harbour master; it comes from the "Whig Standard"  
29 and it comes from observation.

30 Q What is the "Whig Standard"?





1 A It is a daily newspaper which carries  
2 reports which may, of course, be misquotations.

3 THE CHAIRMAN: Will you have many  
4 more questions?

5 MR. LALONDE: Yes.

6 THE CHAIRMAN: Then, I think we  
7 will adjourn for ten minutes.

8 ---RECESS  
9

10 MR. LALONDE: Q Now, referring to Para-  
11 graph 16, Mr. Whitaker, you state:

12 "However, the North Channel is  
13 only dredged to 23' and incoming ships  
14 frequently draw too much water to use  
15 this course..."

16 A That is right.

17 Q And by "incoming ships" you refer  
18 to upbound ships?

19 A Yes.

20 Q Would you tell this Commission how  
21 much water you have at your walls or docks at Kingston  
22 Harbour?

23 A We would have not more than twenty  
24 feet at 242. There seems to be some doubt whether it  
25 is 24 or 19.4 at the Richardson Dock. At the elevator  
26 dock we have 27 feet.

27 Q But apart from the elevator dock  
28 you don't have any dock where the ships drawing more  
29 than 23 feet could go?

30 A That is right.





1 Q That is, any ship calling at Kingston,  
2 apart from the elevator dock, could go directly by using  
3 the Wolfe Island cut if that ship is upbound -- go  
4 directly to Kingston?

5 A Not necessarily. We have lightered  
6 on occasion; but then there is just a foot or so under  
7 the bottom and sometimes the captain may say "No, I  
8 don't want to go there." However, that arises -- you  
9 have this disability that is imposed, not by law but  
10 by nature, that if the ship happens to be drawing suf-  
11 ficient water that it can't come through the north  
12 channel then it can't and it wouldn't matter whether it  
13 is permitted or not.

14 Q And that ship, at any rate, could  
15 not also go to any dock at Kingston apart from the ele-  
16 vator dock?

17 A That is right. But that is a dock.

18 Q And if it goes to the elevator  
19 dock I presume that it doesn't go to the elevator dock  
20 for 50 tons of grain or 100 tons of grain; I presume  
21 it must be for a good cargo?

22 A Yes. We also use the elevator dock  
23 for general cargo on occasion and by arrangement. In  
24 the main it is a grain dock, of course.

25 Q And did you have any deep sea ships  
26 calling at the elevator last year?

27 A Yes, there was quite a few last year;  
28 a lesser number than the year before; but there was a  
29 fairly good grain trade through export last year. The  
30 over-all picture was definitely lower, but we had a





1 rather surprising number of deep sea vessels coming in,  
2 particularly the Manchester Line.

3 Q You would seem, then, to have had  
4 an increase in the grain trade compared to the general  
5 cargo trade?

6 A The grain trade is always the  
7 greater. Although, as I said, the expenses on the  
8 Manchester Line last year were terrific.

9 Q The expenses? Do you mean the run-  
10 ning expenses?

11 A Yes. You see, when you come in  
12 with a general cargo and when you are taking out grain  
13 you have to clean the holds and provide for trimming  
14 and so forth, which is an operating expense, of course.  
15 They didn't get their bills until after the season was  
16 over for some reason or other and they were fantastic,  
17 in their judgment; and everything added together --  
18 pilotage charges -- these charges -- they lost a good  
19 many thousand dollars last year on their trade.

20 However, we have talked them into  
21 trying it for one more year.

22 Q That is what you have been told, I  
23 understand?

24 A Yes.

25 Q Now, are you aware that the  
26 Manchester liners last year going to the grain ele-  
27 vator were loading to about 21 feet?

28 A That is right; and they finished  
29 off at Montreal.

30 Q And they all left by the Wolfe





1 Island cut?

2 A Mm-hmm.

3 Q Is that correct?

4 A Most of them, yes.

5 Q So that whether you would have had  
6 pilotage or compulsory pilotage the charge would have  
7 remained \$200 to get to Cornwall, one way or the other?

8 A Yes. All we are referring to is  
9 the disability of getting a ship in and out of their  
10 harbour. We are not complaining about charges. That  
11 is universal. Everybody has to pay when they come  
12 through the Seaway; and even at Kingston if they have  
13 to go through the south cut you have to pay \$50.

14 Q Are you aware also that ships  
15 coming from Lake Ontario and wishing to stop at Kingston  
16 will take a pilot at the north side of Wolfe Island,  
17 stop at Kingston, and if they stop for a short while  
18 to load cargo the pilot will remain on board and carry  
19 on to Snell lock for the same charge of \$200?

20 A Is the pilot office on Wolfe Island  
21 still open?

22 Q What was that?

23 A Is the pilot office on Wolfe Island  
24 still open?

25 Q What are you referring to?

26 Let us proceed in order and we will  
27 discuss the other matter if you wish.

28 What I was saying was that a ship  
29 coming to Kingston from Lake Ontario would take a  
30 pilot from a pilot boat leaving Kingston and board the





1 ship somewhere north of Simcoe Island and remain on  
2 that ship if that ship remains only for a few hours in  
3 Kingston and then take it to Smell Lock for the same  
4 charge except for the detention charge for the ship  
5 here?

6 A There is no pilot boat at Kingston.  
7 The pilots come from Cape Vincent.

8 Q That is your understanding?

9 A And I have no reason to believe it  
10 isn't true.

11 What you are suggesting is that in  
12 order to justify an uneconomic charge a captain should  
13 go out of his way and pick up a pilot and come back --  
14 return on his course -- and come into harbour and regain  
15 a pilot for an unknown number of hours and then proceed  
16 to go down the Seaway.

17 I would suggest that that is not a  
18 business-like suggestion, sir.

19 Q Your understanding is that there is  
20 no pilot boat at Kingston?

21 A The pilots come from Cape Vincent.

22 Q But my question to you was: Your  
23 understanding is that there is no pilot boat at Kingston  
24 Harbour?

25 A We have boats, but there is no pilot  
26 boat.

27 Q Is there a pilot boat provided? I  
28 know there are boats in Kingston Harbour?

29 A Yes; but there is not a definite  
30 pilot boat service operated from Kingston Harbour.





1 Q So your understanding is that if a  
2 pilot wishes to board a ship he has to take the pilot  
3 boat at Cape Vincent and board it either north or south  
4 of Wolfe Island with the pilot boat from Cape Vincent?

5 A He can come to Kingston and he gets  
6 on the ship from shore; but I know of no arrangements  
7 that we have whereby we operate a pilot boat as a  
8 regular service, no.

9 Q So in your opinion the pilot would  
10 get aboard the ship at Kingston from the shore when the  
11 ship is at the dock, but he couldn't go into the river  
12 and pick it up from Kingston?

13 A We could make arrangements that he  
14 could, certainly.

15 Q But my question was whether there  
16 were such arrangements, to your knowledge?

17 A Not as a standard thing, no.

18 Q I think you are misunderstanding my  
19 point but I won't argue with you on what you stated.  
20 The point I was making was that it doesn't cost more  
21 than the detention time if the ship stops for some  
22 time at Kingston Harbour coming through the whole  
23 district?

24 A If he goes down the north cut.

25 Q Would you have any idea of the  
26 number of ships last year which, having called at  
27 Kingston, had to come back and go by the south side of  
28 Wolfe Island -- deep sea ships?

29 A The ships coming down from the  
30 Upper Lakes?





1 Q Yes.

2 A Into Kingston and then proceeding  
3 to go by the south channel?

4 Q Yes.

5 A No, I wouldn't know an exact number.  
6 I would hazard a guess most of them would.

7 Q I think you stated this morning that  
8 all the groundings which took place in or around  
9 Kingston were with pilots on board; is that correct?

10 A Of the deep sea ships, yes, it  
11 would be.

12 Q The deep sea ships?

13 A Yes, it would be; of course, that  
14 is what we are talking about -- the compulsory pilotage.  
15 The Navy goes aground without any help.

16 Q Then, you didn't want to imply at  
17 all that other ships than deep sea ships didn't have  
18 any groundings at Kingston?

19 A No.

20 Q Now, you said that delays were due  
21 to pilots. Do you have any record of that?

22 A Yes. We have made comments to  
23 Captain Slocombe and to Mr. Balcer when he was  
24 Minister and to Captain Edwards and to several people,  
25 but that is not, strictly speaking, sir, part of this  
26 brief.

27 Our contention is on purely an  
28 economic, business-like basis, that compulsory pilot-  
29 age ...

30 Q I think you didn't understand my





1 question or I didn't put it ...

2 A We have made representations.

3 Q My question was whether you had  
4 specific instances of delays due to pilots. You said  
5 you had complaints because of delays due to pilots?

6 A Yes, that is right.

7 Q Do you have any specific instance  
8 in that respect?

9 A I haven't got it here; but I  
10 wouldn't have put it in here if I had not had a  
11 specific complaint.

12 Q Do you remember?

13 A I am trying to recall now ... Yes,  
14 we had a delay. We had a pilot called for eleven  
15 o'clock in the morning, who didn't show up 'til around  
16 one o'clock one day; and, incidentally, we always, or,  
17 at least I believe that we almost always call several  
18 hours in advance.

19 We have even had the nice thing of  
20 two pilots on board at Kingston, with one to take it  
21 out of the harbour and the other to take him up the  
22 lake -- a captain without a "B" Certificate.

23  
24  
25 —

26  
27  
28  
29 —  
30





1 They sent over a pilot that didn't  
2 know the waters to the harbour, so he stayed on, not  
3 entirely to clear the designated waters, but he left  
4 in advance. The other pilot took him up the river.

5 Q Are you aware that the pilots who  
6 are operating on the Lakes for ships not having a B  
7 Certificate are not entitled to pilot in the restricted  
8 waters?

9 A Would you say that again?

10 Q Are you aware that pilots who are  
11 connected exclusively to pilotage on Lake Ontario are  
12 not entitled to pilot in your district itself, in the  
13 restricted waters?

14 A Well, that just makes it that much  
15 worse, sir. In other words, if we have a ship coming  
16 downbound from Toronto into Kingston Harbour, the  
17 pilot bringing her down can only pilot to the designated  
18 waters, which is a matter of 800 yards from our docks,  
19 and then we would have to bring a pilot over from  
20 Cape Vincent to bring it the 800 yards.

21 Q That is --

22 A That clarifies it.

23 Q You understand that now?

24 A I understand it. It substantiates  
25 the extra charge that we have to pay to get in and out.

26 Q You had one instance of delay  
27 referred to. Have you any other instances of delays?

28 A We had a dilly coming in. The  
29 pilot got lost in the harbour. First off he tried to  
30 go up through the causeway and then he anchored --





1 finally he anchored in the deep water between Wolfe  
2 Island and the City overnight, and finally he had to  
3 be advised to proceed down the channel and the harbour  
4 master would have his car on the dock and would blink  
5 the lights.

6 That ended up at Washington, and  
7 we got a wonderful explanation back. A good one.

8 Q The first one you referred to, did  
9 you make an enquiry as to the cause of the delay?

10 A We always got a very, very finished  
11 explanation, sir, for the delay.

12 Q Did you get an explanation?

13 A Oh, yes, we get an explanation  
14 always when we lodge an official complaint.

15 Q Where do you get that explanation  
16 from, from Ottawa or from the master or from the pilot?

17 A If we make a formal complaint, we  
18 generally write to Captain Slocombe's department. If  
19 I am not satisfied -- and I have been requested to  
20 write to Captain Edwards first now -- so I do write to  
21 Captain Edwards with a copy to Captain Slocombe.

22 If I am not satisfied I generally  
23 write to Mr. Baldwin, the Deputy Minister. If it is  
24 serious enough he writes Washington. Washington pro-  
25 ceeds to write, of course, to Cape Vincent, and then  
26 we get a reply back, and as I say, there is always a  
27 very good explanation as to why the delay, but there  
28 is still the delay.

29 We have not complained unduly I  
30 don't think. Mind you, you don't expect to call a





1 pilot on ten minutes' notice and have him right there  
2 in ten minutes. Fifteen, twenty minutes, half an hour.  
3 We went into these delays regularly, but we are talk-  
4 ing about in this particular case longer delays or  
5 gross inefficiency where a ship is tied up overnight.

6 I do not think we should be con-  
7 strued here as making an unreasonable complaint.

8 THE CHAIRMAN: It would be interest-  
9 ing to know what answer you received about the ship  
10 that was obliged to anchor at night because the pilot  
11 lost his way.

12 THE WITNESS: It was all thrown  
13 back on us because we had neglected to put proper  
14 signals or something out. The Richardson dock was the  
15 dock they were to go to, and when we made the arrange-  
16 ment which was made by ship-to-shore telephone, that  
17 the harbour master would take his car down and place  
18 it on the dock and flash the lights off and on, so  
19 when the ship came down the harbour, the channel,  
20 it would see where it was and then be directed in.

21 The comment we got back from Washington  
22 was that such an arrangement could scarcely be  
23 considered an efficient manner of navigation, and they  
24 threw it back onto us. The last thing. Not the fact  
25 that the pilot got lost up here. So we got a good  
26 laugh out of it and wrote it off.

27 THE CHAIRMAN: That ship was coming  
28 from?

29 THE WITNESS: It was coming up the  
30 channel, if I recall correctly.





1 THE CHAIRMAN: Going west?

2 THE WITNESS: Coming into Kingston  
3 from the east, yes.

4 MR LALONDE: Q About the ac-  
5 cidents, you are aware no doubt that there have been  
6 also accidents in or around Kingston Harbour with lake  
7 ships that did not have pilots on board?

8 A Oh, yes, but if you are going to  
9 have an accident with a pilot or without a pilot, why  
10 pay \$50 to be guided into the accident?

11 MR. LALONDE: That is a very good  
12 answer.

13 RE-DIRECT EXAMINATION BY MR. JACQUES:  
14

15 Q You mentioned you had complaints  
16 about high bills which were received by some masters?

17 A Yes.

18 Q Do you know if the bills related to  
19 a trans-lake trip or a trip across Lake Ontario? Do  
20 you recall the nature of the pilotage involved?

21 A They could possibly. They could  
22 relate to that. A surprising number of the ship  
23 captains who have come into the lakes, say more than  
24 twice, have come into a position that they know; they  
25 seem very insistent on getting a Canadian pilot. It  
26 is hard to pin them down. They seem to feel that there  
27 is more efficiency.

28 There is less tendency to overload  
29 charges and so forth.

30 Now, this is pure hearsay, but I





1 hear it so many times that it leads me to believe that  
2 there are things going on in the Cape Vincent pilot  
3 office that are strange, to say the least.

4 It is very difficult to sub-  
5 stantiate. It could be done, of course, by bringing  
6 the ships' captains and getting records, but normally  
7 the captain's knowledge of the charge that was made  
8 is when he gets whatever he gets from his owners  
9 saying "Your expenses are too high. Why do you have  
10 these charges coming in?" and so forth.

11 Then you perhaps meet him a month  
12 later, and he will detail something to you. Again,  
13 mind you, you are in the business world, and if you  
14 complain too bitterly against people who have the  
15 authority that exists under the Shipping Act, you  
16 might save yourself \$10 here and end up with a much  
17 more severe indirect penalty somewhere else.

18 So that while they will talk with  
19 some freedom, you will have extreme difficulty in  
20 getting an affidavit or statement under oath.

21 MR. JACQUES: To clarify the evi-  
22 dence which was given before, my learned friend Mr.  
23 Lalonde put questions to the witness concerning the  
24 charges which are made in District 1. Of course,  
25 District 1 in the designated waters, there is no  
26 question of charging travelling expenses to the ship,  
27 but there is provision for travelling expenses as  
28 regards lake pilotage, across Lake Ontario, where the  
29 fee is \$50 or pro rata, plus travelling expenses  
30 reasonably incurred by the pilot in joining the vessel





1 and in returning to his base.

2 This is in Sub-section 2 of the  
3 schedule to the Great Lakes Pilotage Regulations,  
4 Exhibit 1008. Now, sir, is there anything else you  
5 would like to add to what has been said? Any other  
6 representations you would like to make?

7 THE WITNESS: I don't think I can,  
8 sir. It is the relief from the financial inequalities  
9 as compared with Toronto and Hamilton that we are  
10 directly concerned with.

11 THE CHAIRMAN: In order to complete  
12 the information, I think we also have to read Mr.  
13 Whitaker's evidence with that rendered by Mr. Phipps-Walker  
14 in Montreal some time in June, I think.

15 Thank you very much.

16 THE WITNESS: Thank you.

17 ---WITNESS RETIRES  
18

19 ---

20 M. SMITH, sworn  
21

22 DIRECT EXAMINATION BY MR. JACQUES:

23 Q Your occupation sir, please?

24 A I am harbour master at Belleville.

25 q You may be seated if you wish. How  
26 long have you been harbour master in Belleville, sir?

27 A Five and a half years.

28 Q Have you any qualifications as a  
29 mariner of any kind?  
30





1 A No.

2 Q What experience did you have before  
3 becoming harbour master?

4 A I had no previous experience in that  
5 line.

6 Q What were you doing before that?

7 A In the line of business?

8 Q Yes.

9 A I operated a business.

10 Q I believe, sir, the limits of  
11 Belleville Harbour are given in Section 4 of the Act  
12 which incorporated your Commissioners, assented to on  
13 the 4th of July, 1962. Did you receive a letter from  
14 the Commission requesting you to prepare evidence on  
15 certain questions?

16 A Yes.

17 Q The first one is the control and  
18 movements and speed of vessels and that which will in-  
19 clude your duties as harbour master. What do you in  
20 fact do as harbour master?

21 A Generally I am responsible for the  
22 control of harbour traffic to the Commissioners; super-  
23 vision of wharfs and other property and works, and for  
24 the collection of harbour dues and wharfage and  
25 charges.

26 Would you like a copy of this?

27 MR. JACQUES: I should like to file  
28 the report prepared by the Belle-Harbour Master, dated  
29 March 18, 1964, addressed to the Royal Commission on  
30 Pilotage as Exhibit ?





THE SECRETARY: 1092.

---EXHIBIT NO. 1092: Report prepared by the  
Belleville Harbour Master.

THE CHAIRMAN: Prepared by the  
harbour master?

THE WITNESS: Harbour Commission.

MR. JACQUES: It is prepared by the  
harbour master for the Belleville Harbour Commission.

THE CHAIRMAN: For the Belleville  
Harbour Commission.

MR. JACQUES: Yes, sir.

Q Apart from quoting the relevant  
sections of the by-law, would you state exactly what  
you do in practise, and not read the by-law?

A I am responsible for collecting the  
dues.

Q Yes?

A We have rentals. We have rental  
properties.

Q What is that?

A We have rental properties. I am  
responsible for collecting all monies to the Commission.  
We also have two men who do maintenance and repair  
work who I am responsible for. There is general duties,  
of course, to carry out any instructions from the  
Commissioners.

Briefly that is it.

Q Is there in Belleville Harbour any





1 docks owned by the Commission?

2 A Yes.

3 Q How many do you have?

4 A We have -- of course they are all  
5 joined together -- we have a freight shed and we have  
6 approximately -- this is a guess -- about 1,000 feet of  
7 dock.

8 Q One thousand feet frontage?

9 A Yes.

10 Q Are there any docks privately owned?

11 A One. There is one, one dock private-  
12 ly owned.

13 Q What sort of traffic do you have?

14 A We average about 40 to 45 vessels  
15 a year.

16 Q Deep sea ships?

17 A No. These are just lake ships.

18 Q Lake ships?

19 A The maximum draft in the last five  
20 years would be about 14 feet.

21 Q Did you ever have any deep sea ships  
22 call in at Belleville?

23 A No.

24 Q Never?

25 A No.

26 Q Let us say within the last three or  
27 four years?

28 A There is a few tankers that are  
29 owned by oil companies. There is one or two in  
30 particular. They were built in Scotland and they were





1 transported -- they came over to Canada, and I under-  
2 stand they are used in the Lakes, but I think they are  
3 capable of being used on the ocean.

4 Q They call at Belleville?

5 A Yes.

6 Q What goods or merchandise are  
7 shipped in and out of Belleville?

8 A Since I have been on the job it is  
9 all just coming in. In the last year all we had was  
10 coal and fuel oil.

11 COMM SMITH: While Mr. Jacques is  
12 looking up his notes, Mr. Smith, I would like to ask  
13 you a question or two. I understand the Commission  
14 was created in 1952.

15 A No. This Act was amended in 1952,  
16 but the Commission goes 'way back.

17 COMM SMITH: It goes 'way back?

18 THE WITNESS: I don't know the ex-  
19 act date, but I believe it is before the turn of the  
20 century.

21 COMM SMITH: Yes. His Lordship has  
22 drawn my attention to the fact that the Act was passed  
23 in 1889.

24 THE WITNESS: Yes.

25 COMM SMITH: But after the amend-  
26 ment to the Act of 1952, what progress has there been  
27 in the harbour development by way of installations or  
28 making provision for anticipating increased business in  
29 the future or any other way? Have you a programme  
30 looking into the future, and if so, what has been the





1 result of it?

2 THE WITNESS: Well, first of all,  
3 sir, we have improved our docks. There was an old  
4 wooden dock that has been replaced by a cement and  
5 steel dock.

6  
7 —

8  
9  
10 —

11  
12  
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15  
16 —

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19  
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21  
22  
23 —

24  
25  
26  
27  
28 —





1 But unfortunately with the depth of  
2 water in the Belleville Harbour and the approaches to  
3 the Belleville Harbour we are a bit pessimistic about  
4 the future of the Belleville Harbour. As I mentioned  
5 earlier, the maximum draught, I believe, in the last  
6 five years, was 14 feet, so of course this excludes us  
7 from any hope of getting any Seaway business -- foreign  
8 ...

9 COMM SMITH: Are you anticipating  
10 some development there by way of deepening?

11 THE WITNESS: Unfortunately the  
12 bottom is solid rock.

13 COMM SMITH: Solid rock?

14 THE WITNESS: Yes.

15 COMM SMITH: It would cost too much  
16 money?

17 THE WITNESS: Yes. What we have  
18 done in a small way is increased our revenue by develop-  
19 ing lands that are controlled and owned by the Commission.

20 We have been able to keep our in-  
21 come up.

22 COMM SMITH: You lease those out?

23 THE WITNESS: We lease them, yes.

24 COMM SMITH: Thank you very much.

25 MR. JACQUES: Did you detect, my  
26 Lord, that most of the questions are answered in the  
27 negative in the report prepared by the Harbour Master?

28 I feel that we have sufficient  
29 evidence at the moment, thank you, My Lord.

30 Thank you very much for coming, sir.





1 --- (WITNESS WITHDREW)

2  
3 THE CHAIRMAN: Is this filed?

4 THE SECRETARY: The chart of the  
5 Bay of Quinte is 2069 and filed as Exhibit 970.

6 THE CHAIRMAN: So the harbour of  
7 Belleville is shown on Exhibit 970.

8 MR. JACQUES: My Lord, this con-  
9 cludes my list of witnesses for the current week.

10 THE CHAIRMAN: We have also  
11 Hamilton and Toronto.

12 MR. JACQUES: Hamilton and Toronto  
13 we will start during the month of April -- Toronto on  
14 April 6th and Hamilton on April 7th.

15 THE CHAIRMAN: What about the  
16 International Association of Great Lakes Ports?

17 MR. JACQUES: They will not present  
18 a brief and will not appear. The position will be ex-  
19 plained by Mr. Colvin. To-morrow we have Captain  
20 Norman Johnston appearing before the Commission and  
21 presenting his brief. The other parties listed, such  
22 as Imperial Oil and the Dominion Marine Association and  
23 the Shipping Federation, will be heard some time in  
24 April on mutual arrangement.

25 MR. LALONDE: I would be glad to  
26 call Captain Stevenson for the rest of today, but before  
27 calling him I would like to call Captain Bissonnette  
28 to give his information about the Kingston situation.

29  
30





1                                    CAPTAIN RAYMOND BISSONNETTE, sworn

2  
3                    DIRECT EXAMINATION BY MR. LALONDE:

4                    Q            Would you explain to the Commission  
5 the practice which you follow usually with regard to  
6 ships calling at Kingston, either upbound or downbound  
7 ships?

8                    A            Well, we will take a downbound ship.  
9 If a ship is eastbound on Lake Ontario calling at  
10 Kingston, well, he will call Cape Vincent for a pilot  
11 to go into the Kingston Harbour and if the ship has a  
12 B Certificate aboard, well, the pilot will board the  
13 ship at the District limit, which is by Snake Island.

14                   Q            Would you show this island on the  
15 chart, Exhibit 478? Would you circle this island in  
16 red?

17                   A            This is Snake Island.

18                   Q            This is an island north of Simcoe  
19 Island and Wolfe Island?

20                   A            That is correct.

21                   Q            You said the pilot would call Cape  
22 Vincent?

23                   A            The ship will call Cape Vincent.

24                   Q            I see -- by radio?

25                   A            By radio-telephone. Or usually the  
26 agent calls when the ship leaves Port Weller or Toronto  
27 or Hamilton. Then the pilot is called from the Cape  
28 Vincent office and we have an arrangement, as you  
29 know, that most of the Canadian pilots live in Kingston,  
30





1 SO --

2 Q They live in Kingston?

3 A They live in Kingston, so if an  
4 American is on turn we have an agreement between the  
5 two groups that they will change turn and most of the  
6 Canadian pilots are handling those ships coming in or  
7 going out of Kingston. Then we have an arrangement  
8 here in Kingston with the pilot boat service to board  
9 the ship at Snake Island to take the ship into the  
10 river or Snell Lock.

11 Q And for that service there is a  
12 charge?

13 A There is a charge which is paid by  
14 the pilot.

15 Q You mean by the ship?

16 A By the pilot.

17 Q There is a pilotage tariff for sure,  
18 is there not?

19 A Yes, but I mean ... You mean the  
20 pilot boat?

21 Q Excuse me, yes. I was referring to  
22 the pilotage tariff. Is that a \$50 charge?

23 A It is \$50, yes.

24 Q Is there any additional charge to  
25 the ship?

26 A No.

27 Q No pilot boat charge nor expenses?

28 A All paid by the pilot.

29 Q What about an upbound ship?

30 A An upbound ship -- well, most of the





1 time the draught of the ship is not over 22. Well,  
2 some of them are 23, but most of the ships are about  
3 21 to 22 feet in draught. All the ships are going  
4 through Wolfe Island Cut on the Kingston side, unless  
5 the pilot feels he is not acquainted with that side of  
6 the channel and he goes around the other way.

7 Q Does that mean you have the standard  
8 \$200 charge for crossing the District?

9 A That is correct, from Snell back to  
10 Kingston via Wolfe Island Cut is \$200.

11 Q What about a ship, say, downbound  
12 and calling at Kingston for a cargo and deciding to  
13 proceed? What is the practice and what practice do  
14 you follow so far as tariff is concerned and so far  
15 as pilotage is concerned?

16 A Most of the time the pilot boards  
17 at the district limit.

18 Q Excuse me, that would be again  
19 Snake Island or Cape Vincent itself?

20 A Snake Island. If the ship is to  
21 be there for two or three hours the pilot will remain  
22 aboard the ship and finish the trip right down to  
23 Snell Lock.

24 After the first hour, if the ship  
25 is at the lock for, say, four hours, the pilot will  
26 claim three hours' detention. After the first hour  
27 he will claim three hours' detention.

28 Q Which is how much an hour?

29 A \$5 an hour.

30 Q Although the ship is stopped on the





1 way is there another charge? Is that considered as two  
2 partial trips or only a single charge?

3 A Just the one charge of \$200.

4 MR. JACQUES: What about a ship  
5 that leaves the following day?

6 THE WITNESS: That is up to the  
7 master. The master decides if the pilot should remain  
8 aboard or should get off the ship. On some occasions,  
9 if the ship is to be more than 24 hours, well, the  
10 pilot is discharged and then there will be two charges  
11 -- a charge of \$50 going in and then another \$200  
12 charge from Kingston to Snell Lock.

13 But most of the time they are about  
14 eight to ten hours into the harbour -- between seven  
15 and ten hours.

16 MR. JACQUES: Is that the average  
17 duration?

18 THE WITNESS: We could say between  
19 five and ten hours.

20 MR. LALONDE: Q So you have  
21 not, I understand, any pilot boat services at Kingston  
22 to take you to the ships?

23 A Yes, we have. Well, as you know,  
24 the Cape Vincent office is responsible for the pilot  
25 boat at Cape Vincent and at Kingston, so they are not  
26 in a position to provide any service in Kingston. So  
27 what they do, they have an arrangement with Captain  
28 Dougan to provide all pilotage services in the Kingston  
29 Harbour.

30 Q It was pointed out that there are





1 no expenses charged in the district for district  
2 pilots but the lake pilots were entitled to charge  
3 expenses. Could you explain what is the procedure in  
4 that respect?

5 I understand you are fully aware of  
6 the situation in that regard; is that true?

7 A They are working on the same basis  
8 as we are when we have to take a ship across the lake,  
9 so the only expenses paid is the expense back to our  
10 station. So I have to board a ship at Cape Vincent to  
11 go to Port Weller. Well, the time I leave Kingston  
12 across to Cape Vincent I have to pay my own expenses.

13 As far as pilot boat is concerned,  
14 well, I really do not know. I think that is paid by  
15 the ship, but the pilot expenses are paid by the pilot.

16 Q Have you been informed that the  
17 lake pilots had two bases on Lake Ontario -- that is  
18 Cape Vincent or Kingston and Port Weller also?

19 A Yes.

20 Q And that in those circumstances  
21 they would not be entitled to expenses at either of  
22 these places?

23 A I thought they were advised last  
24 year that they were entitled to only one base -- Port  
25 Weller or Cape Vincent -- and that at one end they  
26 would pay the expenses but at the other end the pilot  
27 would have to pay his own expenses.

28 Q I see, but you have no direct in-  
29 formation yourself in that respect?

30 A No. As far as we are concerned





1 when we take a ship across the lake they pay our ex-  
2 penses back to the station -- travelling expenses.

3 MR. LALONDE: I think the difficulty  
4 insofar as navigation is concerned in Kingston Harbour  
5 has been fully explained by Captain Davis. I do not  
6 think it is necessary to come back.

7 CROSS-EXAMINATION BY MR. BRISSET:

8  
9 Q Let us take the case of a down-  
10 bound ship coming, say, from Toronto without a B  
11 Certificate and with a trans-lake pilot aboard that  
12 goes into Kingston. Am I right in understanding that  
13 you will relieve the trans-lake pilot at Cape Vincent  
14 or somewhere?

15 A Do you mean to say the ship is  
16 bound for Kingston?

17 Q Yes.

18 A We do not relieve the pilot at  
19 Cape Vincent; we relieve the pilot at the Kingston  
20 District limit, which is Snake Island.

21 Q And you will <sup>take</sup>/yourself the ship into  
22 Kingston Harbour?

23 A That is correct.

24 Q The pilot boat charge for taking  
25 off the trans-lake pilot, it is a charge made to the  
26 ship, is it not?

27 A In most of the cases the lake pilot  
28 will remain aboard and get off at the dock most of the  
29 time. Every ship I took into the dock the lake pilot  
30 did remain aboard and get off at the dock.





1 Q He will charge, however, his ex-  
2 penses to return back to his station?

3 A Likely; I am not too sure.

4 Q Let us take the case of an upbound  
5 ship leaving from Kingston with a B Certificate. He  
6 will take the ship out and disembark in the pilot boat?

7 A That is correct.

8 Q And the pilot boat charge will be  
9 included in your \$50 fee?

10 A That is correct. I will pay the  
11 pilot boat charge.

12 Q Let us assume the same ship is  
13 without a B Certificate. Where will the trans-lake  
14 pilot board?

15 A At the dock.

16 Q And you will yourself take her out  
17 up to the pilot boat when you disembark?

18 A That is correct.

19 Q The trans-lake pilot will charge  
20 his travelling expenses to go into Kingston?

21 A I do not think so. I do not think  
22 he is allowed expenses boarding at this end. He is  
23 allowed expenses boarding at the other end of the  
24 district only. They used to charge at both ends, but  
25 I do not know if you are aware but some pilots had to  
26 give back quite a bit of money last year. Some lake  
27 pilots have had to give back -- some of them had to  
28 give back \$1500.

29 Q Because they had been charging ex-  
30 penses at both ends?





A Yes.

MR. JACQUES: Give that money back  
to whom?

THE WITNESS: Shipping.

MR. JACQUES: To shipping?

THE WITNESS: Yes.

MR. JACQUES: Would you tell us more  
about that?

MR. LALONDE: I think I will have a  
lake pilot in the dock who will provide all information  
in that respect. I am not sure myself, but I under-  
stand that the change during the course of last year  
was that they had two bases. I am not quite sure about  
it.

That is, they could not charge ex-  
penses in Cape Vincent or Kingston, nor in Port Weller.  
They were considered as having two residences, one at  
each end of the district. But I think I will get  
further evidence on this.

THE CHAIRMAN: If there are no  
further questions on this subject to Captain Bissonnette  
we will adjourn until 2:30 this afternoon.

---LUNCHEON ADJOURNMENT





1 ---On resuming at 2.30 p.m.

2  
3 ROBERT ALAN STEVENSON, recalled, sworn

4 DIRECT EXAMINATION BY MR. LALONDE (Cont'd):

5 Q. Captain, when you were giving  
6 evidence the last time you were giving evidence on  
7 Exhibit 1075, which is a brief submitted by the  
8 Corporation of Professional Great Lakes Pilots to  
9 this Commission. That was in St. Catharines  
10 last Friday.

11 You had reached paragraph 27 in that  
12 brief, and that is the chapter concerning the  
13 Department of Transport as the Pilotage Authority  
14 and the employer. Now, you had reached in that  
15 paragraph the point where you state that Department  
16 officials had made many verbal promises -- and I  
17 am now quoting -- ". . . which are broken almost  
18 before the season starts and which leaves members  
19 wondering if their officers have been giving ade-  
20 quate representation . . ."

21 I notice that you have filed also, as  
22 Exhibit 1055, the brief or memoranda submitted by  
23 your Corporation for 1962, 1963 and 1964.

24 I would like to go through some of the  
25 requests which were made during these years, and I  
26 would like you to inform me from your notes at the  
27 time what the answer was to your requests and what  
28 action was taken subsequent to these requests.

29 First of all, subsequent to the presen-  
30 tation of these briefs did you make a report to the





1 membership?

2 A. Yes, we always had a general  
3 meeting before sending the brief to Ottawa.

4 Q. After you had sent the brief to  
5 Ottawa did you send any bulletin to your members  
6 informing them of the results of your meetings?

7 A. Yes; there was always a letter  
8 sent informing them of the results.

9 Q. And do you have these answers with  
10 you?

11 A. Yes.

12 Q. You have these bulletins with you?

13 A. Yes.

14 Q. I would like to file these bulletins  
15 as our next exhibit, or they could be attached to  
16 Exhibit 1055 which is the briefs making the requests.  
17 But the Commission may prefer that they be given  
18 another number. It is a matter of convenience.

19 MR. JACQUES: Attach them to the brief.

20 MR. LALONDE: So these bulletins will  
21 be attached to Exhibit 1055.

22  
23 ---Bulletins subsequent to presentation of  
24 briefs by the Corporation of Professional  
25 Great Lakes Pilots to the Department of  
26 Transport, 1962, 1963 and 1964, attached  
27 to Exhibit 1055.

26 MR. LALONDE:

27 Q. Are you satisfied that these  
28 bulletins represent, in your opinion, a fair summary  
29 of the impression you got as to what the answers were  
30 in the matters?





1                   A.       Yes.       After the meeting with  
2 the Department we usually sat down right away and  
3 made notes and even, too, I think, the drawing up of  
4 the letter to send.

5                   Q.       I notice that in the brief you  
6 submitted in 1962 your first request was for a rest  
7 period of 24 hours at the end of each trip. What  
8 answer did you get to that particular request?

9                   A.       The Department wrote that the  
10 Department was in complete agreement with the 24  
11 hours off between ships and assured us that this  
12 was their goal.

13                  Q.       Were you led to believe that the 24-  
14 hour period would be in effect the following year?

15                  A.       Well, we were led to believe that  
16 they were going to certainly endeavour to put that  
17 into effect.

18                  Q.       And what was the actual practice  
19 during the course of the year 1962, in that regard?

20                  A.       Well, it was a busy year. It was  
21 just sometimes the bare twelve hours and sometimes  
22 it wasn't twelve hours off in between ships. This,  
23 of course, was in the peak period; and there were  
24 certainly many peak periods in 1962.

25                  Q.       In 1962?

26                  A.       Yes, in 1962.

27                  Q.       You also suggested the employment  
28 of retired pilots in order to cover peak load, as  
29 I understand?

30                  A.       That is correct.





1 Q. What was the answer of the Depart-  
2 ment in that respect?

3 A. Well, I would just like to see . .

4 Q. This is No. 3. You say: "For  
5 piloting on restricted or undesignated waters it  
6 is suggested that apprentice pilots as well as  
7 pilots who are over sixty-five and who can satisfy  
8 medical and eyesight requirements be used for this  
9 purpose . . ."

10 A. The Department agreed with us on  
11 this matter. However, they were going to take it  
12 up with the United States authorities for final  
13 approval.

14 Q. And during the course of the fol-  
15 lowing year did they use apprentice pilots or retired  
16 pilots on the lake?

17 A. No; they never used either retired  
18 pilots or . . . I am wrong. They used one once  
19 at the end of the season -- a Captain Dawson from  
20 Port Weller to Toronto.

21 Q. You said they used one once?

22 A. Yes.

23 Q. The whole season?

24 A. Yes; I think that was the only one  
25 they used.

26 Q. Did you have any report from  
27 Ottawa as to the result of their discussions with  
28 Washington in this respect?

29 A. No. I doubt, frankly, if there  
30 could have been any discussions carried on because





1 the Americans themselves at a pinch put a couple on  
2 Lake Huron . . .

3 Q. My question was whether you had  
4 received any report from the Department concerning  
5 the discussions they had with Washington in that  
6 respect?

7 A. No, none whatsoever.

8 Q. I think you stated that a letter  
9 was transmitted by myself from Captain Slocombe  
10 following the meeting of that year, although there  
11 probably was nothing in connection with this par-  
12 ticular point. Do you have that letter here?

13 A. I have a copy of it. Well, I  
14 will have the letter, too.

15 This (indicating) is the copy of  
16 the letter that was sent to all the members.

17 Q. I see. I would like to file  
18 this as Exhibit 1093.

19  
20 ---EXHIBIT NO. 1093: Copy of a letter from  
21 Captain Fred S. Slocombe  
22 to Captain Stevenson,  
23 Ottawa, dated March 30, 1962.

24 MR. LALONDE:

25 Q. In that letter there is the state-  
26 ment: "The question of the request regarding the  
27 conduct of vessels through undesignated waters is  
28 in course of discussion with the American authorities.  
29 It is expected that a solution which will not involve  
30 registered pilots being on duty unduly long will be  
forthcoming . . ." Did you have any further  
information?





1 A. None whatsoever.

2 Q. There was also a request in 1962  
3 for speeding up payment of expense accounts. That  
4 is request No. 11. What was the answer you obtained  
5 from the Department at the time?

6 A. They wrote us that this matter  
7 was discussed at length, and we were assured by  
8 the Department that the outstanding expenses would  
9 be cleared up within the next few days.

10 Q. And were you given any assurance  
11 as to the practice for the following year, at the  
12 time?

13 A. There was no time given, but we  
14 were assured that efforts would be made to speed up  
15 expense accounts.

16 Q. And what were the results in 1962  
17 as to expense accounts compared to 1961? Were you  
18 paid faster?

19 A. For the first two months I would  
20 say they were returned a little faster. However,  
21 after that it again lapsed into sometimes two months  
22 or even for some a little longer.

23 Q. There was also a request in your  
24 brief -- that is No.11 -- which reads as follows:  
25 "Pilots in the district have been called upon  
26 "to do a great deal of travelling and unless the  
27 "practice of sending them on undesignated waters  
28 "is abandoned they will be called upon to travel  
29 "even more. It is, therefore, recommended that  
30 "the pilot be allowed to travel first class whenever





1 possible . . . " What answer did you obtain on  
2 that matter?

3 A. The Department received this with  
4 some surprise as they were under the impression that  
5 we travelled first class; but proper receipts must  
6 be submitted.

7 Q. Then, your understanding is that  
8 you were, in effect, told that, provided you had  
9 receipts, you could travel first class?

10 A. That is correct.

11 Q. Now, what was the practice follow-  
12 ing that meeting and what was your understanding?

13 A. The practice was to send us by  
14 bus wherever possible. This created a hardship  
15 on pilots in that if a ship was due to sail around  
16 four o'clock in the afternoon from Cleveland, the  
17 pilot would be called at four-thirty in the morning  
18 in order to catch the six-thirty bus. This six-  
19 thirty bus would be in Cleveland approximately a  
20 quarter to four in the afternoon. On some occasions  
21 pilots had to stand the whole way on the bus to  
22 Cleveland, and in the summer when it is very crowded  
23 on this run it has happened that pilots have stood  
24 all the way and then they have to do piloting on  
25 the river and they will leave Cornwall and they  
26 will probably reach Cleveland and then have two  
27 hours off at the Southeast Shoal and then be up  
28 another ten hours after that. This is in practice  
29 what is being done.

30 I might add that I have maintained that





1 we should travel by air and there have been times  
2 when a ship has been ready to go in the afternoon  
3 and I have said, "Well, I can get there if I travel  
4 by air and we can get the ship sailing on time."  
5 However, it has been said: "That's too bad. The  
6 ship will have to wait. You are going by bus."

7 Q. This was told to you personally?

8 A. Yes, definitely told to me  
9 personally, that it was just too bad, that they would  
10 have to wait.

11 I might add that another time I  
12 was called for a ship in Hamilton. I was called  
13 at about six o'clock . . .

14 Q. Before you go to the ship in  
15 Hamilton, what year were you referring to when you  
16 referred to this event in Cleveland?

17 A. I am referring to 1963, too.

18 Q. Now, you were talking about another  
19 case in Hamilton?

20 A. Another case in Hamilton. Appar-  
21 ently there had been a mixup in the dispatching of  
22 lake pilots and I was called about seven o'clock at  
23 night to go over to the ship and get the ship which  
24 was completed and waiting for a pilot in Hamilton.  
25 I suggested that I take a taxi immediately and I  
26 was told "No, I would not take a taxi; I would take  
27 the nine o'clock bus." I took the bus and by the  
28 time I got to the ship it was approximately a  
29 quarter to eleven.

30 The bus fare was \$1.60; it was \$2 down





1 to the bus station by taxi, and it was approximately  
2 another \$2 from the bus station to the ship for a  
3 taxi. The taxi fare to Hamilton would be \$10.  
4 This was a saving of \$4.50. The ship was delayed  
5 some three and a half hours. I don't think that  
6 a shipping company can operate a ship for \$3.50 for  
7 three hours.

8 Q. And these two incidents are in-  
9 cidents which occurred to you personally?

10 A. They are incidents which occurred  
11 to me personally.

12 Q. Do you have any information as to  
13 similar incidents having occurred with other pilots  
14 in your district?

15 A. Yes. I know that they have  
16 occurred with other pilots who have said, "I will take  
17 a plane," and they have said, "No, you will not take  
18 a plane." I have heard it said many times that  
19 if they can't wait enough time to get a pilot they  
20 will just have to wait. I don't think they would  
21 have to wait if the pilot travelled by air. In this  
22 I am referring to Cleveland.

23 Q. You would state that in spite of  
24 the explanation which Captain Watson gave last week --  
25 and I am sure you heard it -- about the time taken  
26 to go to Toronto and fly down to Cleveland and fly  
27 from the airport?





1 A. Definitely, yes. I would say  
2 there is much better air service than bus service  
3 to Cleveland. I might add when we do travel by  
4 air, we always travel tourist class.

5 Q. Yes. I presume there is no class  
6 on a bus?

7 A. No, there is no class on a bus.

8 Q. Do you travel by train?

9 A. I have travelled once by train,  
10 but it is impossible now to travel that way as the  
11 connecting bus has been eliminated. Discontinued  
12 I should say.

13 Q. From Port Huron to Port Weller,  
14 for instance, you have never taken the train?

15 A. Oh, yes, we take the train down  
16 from Port Huron to Port Weller.

17 Q. Do you travel first class there?

18 A. Usually travel coach.

19 Q. You also had a request in 1962  
20 for pilots' accommodation aboard ships. That is in  
21 paragraph 13. "Pilots in the Great Lakes have to  
22 live aboard some ships for several days. Nevertheless  
23 many ships do not have proper accommodation for the  
24 pilots. It is therefore requested that the Depart-  
25 ment of Transport get in touch with the proper  
26 authorities in order that those in authority inspect  
27 whether there are living accommodations for pilots  
28 aboard, and whether those living accommodations are  
29 provided when the ships are outbound in Montreal."

30





1 What answer did you get to that request?

2 That is No. 13.

3 A. In this regard, the Department  
4 agreed to the idea to get the assistance of the  
5 Department of Health in Montreal or port of inspec-  
6 tion for the Seaway to inspect the pilots' accommo-  
7 dation.

8 Q. Did you first of all hear from the  
9 Department about the results of steps to the Seaway  
10 Authority or the Department of Health, I think you  
11 said?

12 A. We have not received any letters  
13 or any information at all regarding this matter. I  
14 might add that I do not think there is any great  
15 improvement. We still get some ships where the  
16 accommodation is utterly filthy.

17 Q. Did you get, however, any improve-  
18 ment compared to the previous year 1962?

19 A. None whatsoever.

20 Q. Request No. 14; you said the  
21 Department of Transport has been requested to send  
22 out at the beginning of the navigation season a  
23 statement telling each pilot how much sick leave  
24 allowance he has built up. In addition, another  
25 statement to the same effect should be given at  
26 the end of the season.

27 What answer did you get in this respect?

28 A. In 1962 we were given a statement  
29 of the amount of sick leave we had.

30 Q. Yes?





1                   A.       This is the only statement we had.  
2       However, I personally questioned Captain Watson on  
3       this matter at the end of last season, 1963, and he  
4       told me how many days sick leave I had coming. He  
5       had it in a book. He was rather surprised when  
6       it had not come out. He understood that this was  
7       going to be given, the information, at the end of the  
8       season, and he was surprised when I told him that  
9       this was not so. He told me himself how much I had  
10      coming to me.

11                  Q.       You obtained it in 1962, but you  
12      did not receive it in 1963?

13                  A.       No, no.

14                  Q.       Now, there is also a statement in  
15      the letter filed as Exhibit 1093 which was in answer  
16      to a request of yours -- the letter is dated March  
17      30, 1962 -- a request that you made as Request No. 5,  
18      where you stated it is suggested that FM transmitters  
19      be installed in the pilotage office and that a work-  
20      ing channel be assigned to the pilots.

21                             The letter of March 30th states  
22      that arrangements have been made to install a  
23      radio transmitter in the pilotage office to assist  
24      in this and other work.

25                             Do you know whether this FM radio  
26      station was installed and if so, what kind?

27                  A.       It was installed. However, I  
28      think it was installed somewhere around October or  
29      November of that year.

30                  Q.       Of 1962?





1 A. In 1962 -- in October, I think  
2 it was. It was quite late in the year, I know.

3 Q. Now, in 1963 you made a request,  
4 I understand, for the appointment of four additional  
5 pilots in your district. Is that correct?

6 A. Yes, that is correct.

7 Q. First of all, what was the answer  
8 of the Department, to begin with?

9 A. They agreed with us on this matter.  
10 They agreed that four pilots would be employed, so  
11 that four Canadian pilots could have time off. It  
12 was also agreed in there that the roster should be  
13 brought up to sixty. This is outside of this, and  
14 they agreed they would endeavour to bring the roster  
15 up to sixty. However, on May 15th, four pilots  
16 were employed and ---

17 Q. That is, four Canadian pilots?

18 A. Four Canadian pilots were employed.

19 Q. Yes?

20 A. And they were taken off about two  
21 days later. It was stated it was against the inter-  
22 national agreement and the Americans had requested  
23 that they be taken off.

24 Q. I see.

25 A. But this the Department, I think,  
26 demanded -- or maybe that is rather strong, "demanded"  
27 -- probably requested that the strength be brought  
28 up to sixty. It had apparently been agreed upon,  
29 and this was done. We have since had correspon-  
30 dence on this where the Department claimed they only





1 stated they would put four Canadian pilots on to  
2 bring us up to sixty. This was not so. This was  
3 two different questions, and it was in two separate  
4 items of that brief of that year.

5 Q. You might have requested that  
6 that would have brought the number of pilots in the  
7 district to sixty, and four additional pilots in  
8 addition to the sixty?

9 A. Yes.

10 Q. That is what you requested?

11 A. Yes.

12 Q. The question remains, what answer  
13 did you get from the Department at the time? Did  
14 they agree to increase it to sixty and also agree  
15 to the four Canadian pilots, or did they only say  
16 "We will bring it up to sixty"? You were present  
17 at that meeting yourself, were you?

18 A. Yes, I was present. I might add  
19 we have here the Department admitted to the 15.6  
20 hours a day workload, and also a great need for  
21 more pilots, and intimated that four more permanent  
22 Canadian pilots would be employed, and three con-  
23 secutive days off per month would be implemented.  
24 That this number and that the problem was being  
25 worked on at the present time.

26 Also suggested employing two  
27 more permanent pilots to cover absent pilots. Strength  
28 to be brought up to sixty pilots, and every effort  
29 will be made to maintain this number.

30 Q. This, I suppose, was in answer to a





1 request you made, which appears as Request No. 6  
2 here in the brief which you submitted in 1963, that  
3 at least seventy registered pilots be maintained in  
4 District 2?

5 A. Yes.

6 Q. And that the roll be kept at that  
7 number at all times?

8 A. Yes.

9 Q. Was this an answer to the request  
10 you had made for seventy pilots?

11 A. Yes, they intended to bring it up  
12 to sixty.

13 Q. This matter of four additional  
14 pilots, where did it come from?

15 A. We went into some discussion on this.

16 Q. Excuse me. It did not appear  
17 as an additional point in your brief in 1962, did it?

18 A. Yes, I think so.

19 Q. Would you show me?

20 A. It must have come about -- I think  
21 probably the Department asked us how we would propose  
22 that they could manage to give us the three days off.

23 Q. I see.

24 A. I remember that this was said, four  
25 men to be on, and Captain Slocombe at that time suggested  
26 that these four men would be registered, Stevenson A  
27 and Stevenson B, and Stevenson A was off and Stevenson  
28 B would be the registered pilot, and that this would  
29 get around the fact that no Canadian pilots ---

30 Q. So there would have been a discussion





1 about how this worked, the three days off per month?

2 A. Yes, four days off per month.

3 Q. That is what you requested?

4 A. Yes.

5 Q. Was there agreement on this, on  
6 the four days off, or was it three days off?

7 A. Three days off.

8 Q. They granted three days off?

9 A. Yes.

10 Q. I see. You say it was in connec-  
11 tion with this point that the scheme was arrived at  
12 in order to have extra Canadian pilots to do work?

13 A. Yes.

14 Q. And you say these four men were  
15 appointed but only for ---

16 A. Two days. They were given two  
17 weeks -- they were given notice and two weeks' pay.

18 Q. I notice that these requests are  
19 pretty humorous in some cases. Some are more  
20 important than others. I have selected a few here.  
21 I presume in some other instances there was no agree-  
22 ment and the matter was left to stand by; is that  
23 correct?

24 A. Yes.

25 Q. These meetings, was the local super-  
26 visor ever present? That is, Captain Watson?

27 A. No. The local supervisor was  
28 never present at any meetings. The only meeting that  
29 the local supervisor was present at was a meeting  
30 between the Corporation and the St. Lawrence Seaway





1 Authority in Cornwall in 1962. That was the only  
2 meeting which he was at.

3 Q. Had he been invited by the St.  
4 Lawrence Seaway Authority to attend the meeting?

5 A. I don't think so. I think he  
6 was instructed by the Department of Transport.

7 Q. Did you ever raise any objection  
8 in Ottawa to the possible presence of the local  
9 supervisor at the meetings?

10 A. No, I don't think so.

11 Q. I also notice in the letter of  
12 March 30th, 1962, Exhibit 1093, Captain Slocombe  
13 had a paragraph which reads as follows:

14 "In order to assist pilots in preparing  
15 their travelling expense forms, a  
16 representative of the Department will  
17 visit the area to explain the relevant  
18 regulations and furnish pilots with  
19 sample forms completed in the re-  
20 quired manner."

21 I think Captain Watson has tabled before this Com-  
22 mission, or filed before this Commission, some  
23 exhibits where he had some forms which were filled  
24 in in the required manner, and he also had instruc-  
25 tions. Did you have, apart from this visit from  
26 the representative of the Department ---

27 A. The only visit from a representa-  
28 tive was Captain Watson.

29 Q. You did not see anybody else?

30 A. There was nobody else. He called





1 a meeting that year to explain that, and the Blue  
2 Book.

3 Q. You have stated here that the  
4 Department made many verbal promises which were  
5 broken. You have provided us with a few. However,  
6 I note in paragraph 22, page 8, you stated that  
7 when they -- referring to the Department officials  
8 -- when they did meet with them, they once again  
9 received nothing in writing, and all the verbal  
10 promises made had been broken.

11 A. I think that should read "and  
12 almost all verbal promises had been broken." That  
13 is a mistake.

14 Q. You were carried away when you  
15 wrote that, I suppose?

16 A. That should be "almost all".

17 Q. And there again you said "and  
18 once again received nothing in writing."

19 A. No.

20 Q. I understand you have a letter  
21 here of March 30, 1962, which has been produced as  
22 Exhibit 1093, following a meeting of 1962?

23 A. That was the only one that we ever  
24 had in writing.

25 Q. You did not receive anything in  
26 writing after the other meetings?

27 A. No. We had Mr. Lalonde represent-  
28 ing us, then with us, and that is the only time we  
29 got anything back in writing.

30 Q. That will teach you to bring me





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Stevenson, dir  
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15162

1 with you in the future! I notice you also had some  
2 recommendations for District No. 3 at your meeting  
3 in 1963. I think you said in St. Catharines you  
4 had Captain Harrison with you?

5 A. That is right.

6 Q. He is a pilot in District No. 3; is  
7 that right?

8 A. He is one of the three, yes.

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1 Q. I notice that recommendation No. 2  
2 states that wages in District No. 3 be brought up  
3 to those in District No. 2?

4 A. Yes.

5 Q. Do you remember what answer you  
6 got on this one?

7 A. I am just going by memory on this  
8 now.

9 Q. You do not have in your report  
10 to the members any answer in this respect?

11 A. No, but if I remember rightly they  
12 stated to Captain Harrison that he would have to  
13 bring proof that their workload was equal to their  
14 workload in District 2.

15 Q. Well, we will not go now into the  
16 requests for 1964. We will see how it goes this year  
17 first.

18 In paragraph 29 you complain  
19 that some times you did not receive answers to your  
20 letters or that it took a long time to get answers.  
21 Did you carry on much correspondence with the Depart-  
22 ment during these years, however?

23 A. Not a great deal, but we did have  
24 correspondence with the Department.

25 Q. Do you have any instances where  
26 you did not receive any reply?

27 A. Last year we sent a telegram to  
28 Captain Slocombe and there was no reply to it.

29 Q. I am showing you a document with  
30 your name on the bottom, which is a telegram to





Captain Slocombe sent on April 17th, 1963, at 1.30 p.m. It reads as follows:

"Except for changing over at Lock 7 none of the recommendations made by Pilotage Committee at Hamilton and promised by Department have been fulfilled according to Transport Office, Port Weller. Please advise if other promises will be fulfilled. Also no advance expense cheques have arrived."

Signed "R. A. Stevenson, President, Corporation of Professional Great Lakes Pilots."

A. That is right.

Q. Was this the document you were referring to?

A. Yes.

Q. You said you have never had any answer to this telegram?

A. No.

MR. LALONDE: I will not file this document, my lord. I may file it, but I have read it in toto and it is only a typewritten copy.

THE CHAIRMAN: It is no use filing it now; it is in the record.

MR. LALONDE:

Q. Have you had any instances where it took what you felt was a long time before you would get an answer?

A. Definitely.





1 Q. Do you have an instance?

2 A. I wrote to Mr. Baxter in August  
3 1963, stating that ---

4 Q. Do you have that letter with you?

5 A. Yes, I have.

6 Q. Would you find this letter first,  
7 Mr. Stevenson?

8 A. There was a letter here which I  
9 sent on August 14th, 1963.

10 Q. You were asking in this letter if  
11 any steps had been taken to raise the wages of  
12 Canadian pilots in view of the increase to American  
13 pilots on August 1st, 1963?

14 A. Yes.

15 Q. Did you receive any answer to this  
16 letter?

17 A. The letter was dated September  
18 13th in reply to that.

19 Q. Do you have that letter of Mr.  
20 Baxter?

21 A. Yes. That is September 13th.

22 Q. Then what happened subsequent to  
23 this letter, which substantially stated that the  
24 reference to the American pilots was not valid in  
25 the case?

26 A. I wrote again a letter of October  
27 4th explaining this matter to him. I did not re-  
28 ceive any reply from him. However, he was told by  
29 the DOT -- Captain Watson was told by the DOT that  
30 he had to reply to that letter, which was dated





30th December, 1963.

Q. At the close of the year, 30th of December, 1963, Captain Watson wrote to you a letter which stated at the beginning:

"Referring to our recent telephone conversation we are replying to your letter of October 4th, 1963, to the Director of Administration and Personnel concerning the employment of four additional pilots for a relatively short period."

A. That is correct.

MR. LALONDE: I would like to file this exchange of correspondence in a bundle as Exhibit 1094.

---EXHIBIT NO. 1094: Exchange of correspondence between Captain R. A. Stevenson and Mr. J. Roy Baxter and Captain J. M. Watson between August 14, 1963 and December 30, 1963.

Q. In paragraph 31 you state that you have never been asked for any advice when major changes have been made. Do you have any specific instances in mind? I know you have referred to some in the past.

A. I would say the largest or greatest change that was made was the pilotage on the open waters.

Q. Yes?

A. This was a very big change. We had no idea of this at all until we went into work





1 in 1961 -- that this was going to be in effect. We  
2 had no idea whatsoever of this.

3 Q. When did you learn of it first?

4 A. When reporting in to the pilot  
5 office.

6 Q. That would be what time of the  
7 year?

8 A. I think that year it was -- in 1961  
9 it was April 17th, I think.

10 Q. I see, and you stated you had not  
11 heard a word about this before?

12 A. No.

13 Q. Do you know if any representatives  
14 of the pilots would have been informed of this?

15 A. No representatives of any of the  
16 pilots were informed of this.

17 Q. Were you consulted in any way  
18 during the course of the negotiations between the  
19 Canadian and American governments?

20 A. None whatsoever.

21 Q. I was referring to the interna-  
22 tional agreement on the Great Lakes?

23 A. No, none whatsoever.

24 Q. Have there been any specific  
25 instances where on minor changes, at least, you would  
26 have been consulted?

27 A. No. We have never been consulted  
28 on any minor changes either.

29 Q. I would like you to move to  
30 paragraph 32 and following of your brief, which are





1 your recommendations. Your first recommendation  
2 declares, and I quote:

3 "The status of civil servant should  
4 disappear in pilotage and the pilots  
5 of District No. 2 should be relieved  
6 of their status as government employees."

7 What have you got to say in support of this recom-  
8 mendation you are making?

9 A. Well, I think it has been clearly  
10 brought out at the hearings that we are not civil  
11 servants but public servants. However, this was  
12 unknown to me at the time.

13 Q. Do you know what the difference is  
14 between the two?

15 A. I think probably public servants  
16 have even less say than civil servants. I feel  
17 that as being civil servants, I do not think we are  
18 giving proper and efficient pilotage. I think we  
19 would certainly give much better and more efficient  
20 pilotage if it was under a private system as in  
21 other districts.

22 Q. In what way could it be more  
23 efficient in your opinion, if you have more say in  
24 the operation or if you were not government employees?

25 A. Well, I think one of the things  
26 and the biggest thing where it might prove to be  
27 more efficient is on the incentive basis. There is  
28 no incentive here at all as a public servant. There  
29 is no incentive whatsoever. It does not matter  
30 how much work a man does, he certainly does not get





1 any more remuneration.

2 Here if the pilots have some say in this,  
3 I would say even as regards dispatchers, I would  
4 think you would try to get people who are going to  
5 be interested in the work. Everybody that you  
6 have employed with you or around you is going to  
7 have to be interested in the job you are doing or  
8 you might as well let them go. You certainly would  
9 not carry them unless they are going to prove their  
10 worth. You are not going to carry these people;  
11 that is for sure.

12 Q. You refer to anti-Americanism  
13 and anti-Canadianism prevailing amongst the pilots  
14 at the present time. What evidence do you have in  
15 support of this statement?

16 A. I have heard us being referred  
17 to by the Americans as "Those damn Canadian lumber-  
18 jacks." I have heard things by the Canadians  
19 stated about the Americans which are even worse  
20 than that. I might add that this was perfectly  
21 serious.

22 I was in Sarnia one Sunday morning  
23 and I was not on turn. I think I had had all night  
24 in. There was an American to go out and bring a  
25 ship into Sarnia. He had never been in there. It  
26 was a big ship and there was not too much room. There  
27 were already four ships in there. I said: "Well,  
28 if you are worried about it," I said, "Well, I will  
29 go out with you and just see that everything is all  
30 right and keep you straight."





1 When I came back in I was asked by more  
2 than one Canadian: "You must love those fellows a  
3 hell of a lot more than we do, because we certainly  
4 would not."

5 This to me, I think, is all wrong, that  
6 men would even jeopardize the profession just be-  
7 cause they didn't like others, because it is mainly  
8 through jealousy of remuneration. To me it is  
9 hurting the profession; it is not doing any good to  
10 watch another man or another ship get into trouble.

11 Q. One could think of various causes  
12 of this antagonism, if you wish?

13 A. It is more than just ---

14 Q. One could say it is only a matter  
15 of pride, nationalism on both sides, or something  
16 like that. You state here that ~~this feeling results~~  
17 from the fact that they have two separate systems of  
18 remuneration?

19 A. I think that is the most abrasive  
20 thing between us. There are certainly minor things,  
21 I would say, but I would say that is the most  
22 abrasive thing in it -- the two different systems  
23 of remuneration.

24 Q. You say that it could also mean  
25 that the Canadian and American pilots could meet to  
26 discuss and iron out their problems to their mutual  
27 satisfaction?

28 You seem to imply here that there  
29 have been certain objections or interference with  
30 the possibility of Canadian and American pilots





1 meeting to iron out their problems. What are you  
2 referring to here exactly?

3 A. On this matter you must remember  
4 we are working on two entirely different systems.  
5 It would come to maybe the pilots would want time  
6 off or a change, a change at Lock 7, while the  
7 Americans refused to implement this until the tariffs  
8 were raised.

9 This was, as you might say, cross-  
10 purposes, because we were putting in long hours and  
11 making good returns for the government, and therefore  
12 we felt that we should have time off. The Americans  
13 were not, shall we say, concerned so much with our  
14 problem as their own.

15 This whole thing crops up basically  
16 from the two systems. When you have two different  
17 systems you cannot think along the same lines. It  
18 is like trying to run a train on a railway track  
19 that have completely different angles to one another.  
20 Somewhere or another you are going to pile up;  
21 you just cannot do it.

22 Q. Yes, but have there been objec-  
23 tions or difficulties to meetings between Canadian  
24 and American pilots to make decisions about the  
25 operation in the district?

26 A. Well, you must remember that the  
27 American pilots, they make decisions but then they  
28 have to be approved by the Great Lakes Pilots  
29 Administrator.

30 Q. I see -- in Washington?





1                   A.       In Washington, the same as anything  
2       that is done here is approved by Ottawa.    The  
3       Americans have come to us at times to try and find  
4       out what they want.    They have said that the Great  
5       Lakes Pilots Administrator has requested them to try  
6       and find out what the Canadian pilots want as he is  
7       not allowed to speak to the Canadian pilots; he must  
8       speak to the Department of Transport.    He does not  
9       know what the conditions are and he must speak with  
10      the Department of Transport.    I will say the  
11      Americans have tried to get our point of view, but,  
12      as I say, to a certain extent this has been to  
13      cross-purposes.

14                  Q.       We have heard evidence by Captain  
15      Watson that he had various meetings with the American  
16      pilots' representatives.    Were you informed at any  
17      time that such meetings were to take place -- about  
18      working rules?

19                  A.       No, we were never informed.

20                  Q.       Well, then, it is useless to ask  
21      you whether you were invited to attend in any way?

22                  A.       Yes.

23                  Q.       In the following paragraph you  
24      say that if there was a change in status you could  
25      meet with the shipowners, and you say: "As it  
26      stands now, the Canadian pilots are even denied  
27      the right to meet with the shipowners."

28                            Do you have any evidence in support  
29      of this submission?

30                  A.       In 1963 I think Captain Matheson





1 and Mr. Colley were active in the district, and  
2 around, I think, and they never talked with us. I  
3 was informed some time later that they were told they  
4 must not talk with the Canadian pilots and if they  
5 have any talking to do it must be done through  
6 Ottawa, not with the Canadian pilots.

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1 Q. How were you informed of that?

2 A. I was informed of that verbally.

3 Q. By whom?

4 A. By Captain Matheson when I was in  
5 Montreal attending the hearing in Montreal.

6 MR. LALONDE: In this respect, my lord,  
7 I would like to point out the refusal of the Depart-  
8 ment also in 1962 to having the meetings in Montreal  
9 subsequent to the meetings or at the same time as the  
10 other meetings with pilots and the shipowners; that  
11 is, the winter meeting in Montreal -- the refusal of  
12 the Department to have the District 2 pilots at the  
13 same time.

14 THE CHAIRMAN: Yes.

15 MR. LALONDE:

16 Q. In your second recommendation  
17 you suggest that the collecting of pilotage dues should  
18 be done by yourselves instead of the Department of  
19 Transport. Do you feel there would be any advantages  
20 in this operation; and, if any, what would those be?

21 A. I think there would be a big ad-  
22 vantage in this operation. I think it would be the  
23 start of a central collecting agency.

24 If this was handed to the Canadian  
25 pilots I think the first thing would be to join up  
26 with the American pilots and set up one central  
27 billing agency of the two. I think that if this  
28 was done you would set up one central billing agency,  
29 with probably an American and a Canadian in it to  
30 look after this joint operation, instead of a duplicate





1 operation as it is now whereby the downbound vessels  
2 are billed by Port Huron and all the upbound vessels  
3 are billed at Port Weller. I think it would cut  
4 down administrative costs on both sides.

5 THE CHAIRMAN: On the other hand, it is  
6 what exists now in District No. 3, and it seems that  
7 the No. 3 pilots don't know what is going on.

8 THE WITNESS: That is so; but here, shall  
9 we say, it would be a different operation due to the  
10 fact that the central billing agency would be right  
11 within the district whereas in 3 it is really outside  
12 the district; and the point is that at Duluth we  
13 have piloting which is over open water. If this  
14 is done and this is inside the district the pilots  
15 would certainly know what was going on; plus the  
16 fact that there are enough Canadian pilots to look  
17 into this. In pilotage District No. 3 they  
18 have only three.

19 MR. LALONDE:

20 Q. When you refer to administration  
21 of pilotage in recommendation No. 2, are you in-  
22 cluding discipline in this?

23 A. Oh, definitely; discipline should  
24 be applied to this.

25 Q. And is it your opinion that the  
26 pilots in District No. 2 could look after their own  
27 discipline?

28 A. Yes; I would say they could do a  
29 pretty good job. They would know who to watch and  
30 who not. They know these men quite well and they





1 know who is liable to kick over the traces and who  
2 isn't.

3 Q. In recommendation No. 3 you refer  
4 to a tariff. You suggest, first of all, that the  
5 salary system should be replaced by remuneration on  
6 the basis of a tariff. Have you anything to add in  
7 support of this recommendation? Why do you want to  
8 change from a salary to a tariff?

9 A. Well, as I say, the main thing is  
10 incentive. Secondly, we are on a salary -- that is  
11 for sure -- but we never know when we are going to  
12 start work and when we are going to finish work.  
13 You might think that with a salary we have security.  
14 I disagree with this. We have never been told when we  
15 are going to start -- not this year, so far; but I  
16 may add that we are told very, very shortly before  
17 we start work when we are going to start work.

18 However, there is never any  
19 guarantee that if business became slow you wouldn't  
20 be laid off. There is no guarantee whatsoever.

21 There is no security in the fact  
22 that you are on a salary, and I maintain that while  
23 there have been good years the good years should be  
24 shared among the pilots and when it is a bad year  
25 the bad year should be shared among the pilots.  
26 This business of being on a salary -- sure, we are  
27 on a salary and we are doing fine now. The  
28 Department has always made a profit out of us. But  
29 what is going to happen if suddenly there is a bad  
30 year and they don't? Some time some of the pilots





1 are going to be cut off and cut off pretty sharp.  
2 We have no guarantee this will not happen.

3 I feel that if we are going to  
4 have a bad year this bad year should be shared among  
5 the pilots, because if they are cut off I think this  
6 is just going to cause bad feeling all round.

7 Q. Your following suggestion is that  
8 the tariff should be based on draught and tonnage  
9 instead of on a flat rate?

10 A. Yes.

11 Q. What do you have to say on that?

12 A. I think this is basically wrong.  
13 I don't think this is doing the trade any good.

14 You have the small ships, the small  
15 gas tankers. These are ships -- I think they are  
16 about 212 feet long and 32 feet beam, carrying about  
17 500 tons of cargo. They are paying the same poundage  
18 rates as the big grain carriers which are 600 feet  
19 long and 75 feet beam and 25 feet six inches draught.  
20 The little gas tankers have only got about 13 feet 6  
21 inches draught, at a maximum draught.

22 I don't think this is right.  
23 I feel that in some ways the small carriers are  
24 subsidizing the big carriers. As a pilot I feel  
25 that this isn't right at all, that the pilotage  
26 should be based on tonnage and draught and that the  
27 small carriers do not subsidize the big carriers.

28 That is my honest feeling in the  
29 matter.

30 Q. Then you proceed with a number of





1 recommendations. You state "The Corporation of  
2 Professional Great Lakes Pilots fully endorses the  
3 following recommendations, 4 to 14, that have been  
4 submitted by the Federation of St. Lawrence River  
5 Pilots . . ."

6 My lord, I don't think I intend  
7 to go into these recommendations in detail; they  
8 have been dealt with in Montreal.

9 Q. There are one or two things  
10 concerning this particular district which I would  
11 like to ask you about.

12 In recommendation No. 11 -- that  
13 is, paragraph 56, 57 and 58 -- you talk about appren-  
14 ticeship schemes; that they should be set up by  
15 the pilots under the approval of the Commissioner of  
16 Pilotage; and you say that an apprenticeship system  
17 should be started in the district immediately and  
18 that pilots should have a large participation in  
19 the establishment and implementation of this system.

20 What is the view of your group  
21 with relation to the training or recruitment of  
22 pilots in District No. 2?

23 A. Well, as things stand we have  
24 not gone into this for the simple reason that we  
25 were told frankly that it was no concern of ours,  
26 by the Department. Before we could even go into  
27 this as a group this would have to be changed. As  
28 things are we have been told frankly that it is no  
29 concern of ours whatever.

30 Q. When were you told that?





1                   A.       We were told that in 1962 at  
2 meetings in Ottawa with the Department in 1962.

3                   Q.       That is the general meeting you  
4 had, I suppose, in February 1962 when you presented  
5 your requests?

6                   A.       Yes.

7                   Q.       I notice there was a request for  
8 an apprenticeship scheme in 1962?

9                   A.       Yes.

10                  Q.       That was the answer you got then?

11                  A.       Yes; that it was no concern of  
12 ours whatsoever.

13                  Q.       But have you yourself thought  
14 about this and tried to find out what should be an  
15 apprenticeship or an training scheme in the area?  
16 What do you have in mind?

17                  A.       I have thought about it a great  
18 deal and I have talked with the different pilots on  
19 the training schemes in other districts.

20                  Q.       Yes?

21                  A.       If you want my own ideas on the  
22 matter . . . ?

23                  Q.       Yes; give us your own ideas on  
24 the matter. It is understood that they are not  
25 necessarily representing the opinion of the group as  
26 a whole?

27                  A.       No, they are not; we haven't  
28 brought this up to the group because we were told  
29 that this was no concern of ours.

30                           I would think that pilotage is





1 a job really for younger men. I would select  
2 candidates with a certificate of competency not  
3 below mate -- I don't think anyone lower -- and train  
4 them and take them on as pilots. As regards the  
5 length of time, they would certainly need one season  
6 and probably more than that.

7 Q. I understand that in your district  
8 most of you have been masters aboard lake ships, or  
9 foreign deep sea ships, before being appointed pilots  
10 in the district. Aren't you satisfied with the  
11 type of recruiting that this represents?

12 A. Personally, I don't think it is  
13 a good method of recruiting.

14 Q. What objection do you have to it?

15 A. Somewhere along the line you are  
16 going to get men . . . First of all, an ocean-  
17 going vessel does not handle in the same way as a  
18 lake vessel.

19 A man who is a master of his own  
20 vessel and has probably been there for a great number  
21 of years gets to know exactly how the ship handles;  
22 and as regards the way the particular ship handles I  
23 doubt that anyone can tell him about it. He has it  
24 down to a very fine art; some times to the point  
25 where this man has probably become all set in his  
26 ways and he can't adapt himself to the foreign-  
27 going vessels.

28 This idea of the Department of  
29 Transport taking men who have sailed ships for  
30 years, and probably the same ship -- certainly these





1 men have good records and for me to say anything  
2 against them is ridiculous; but any man, once he  
3 is getting so set in his ways -- he is going to  
4 find it impossible to adapt himself to a different  
5 method of working. The ships that you have got are  
6 turbine, diesel, diesel electric, steam. You don't  
7 know what ship you are getting; and I think, sooner  
8 or later, recruiting this way, with men who have  
9 done certainly an exceptionally good job, you are  
10 going to hit one who is not going to be able to  
11 adapt and this no doubt is going to show up on the  
12 casualty list.

13 Q. About the pension fund . . .

14 THE CHAIRMAN: Before you move to that  
15 I think we will adjourn for a few minutes.

16 ---Short recess.  
17  
18  
19 -  
20  
21 .  
22  
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1 Q. We have reached recommendation  
2 No. 12 about pension funds, and I notice you request  
3 that the money that the pilots have in the government  
4 superannuation fund should be turned over to a  
5 pension plan of their choice. Do you have anything  
6 to add in this respect?

7 A. I think this is the greatest  
8 worry of some of the pilots. They feel that they  
9 are going to lose this money if it was changed --  
10 if pilotage went under private ownership. I think  
11 if that money was cleared up, that they should not  
12 lose this money; it should be put in a separate  
13 plan and a lot would feel a lot happier.

14 COMMISSIONER SMITH: Excuse me.  
15 When you speak about losing the money, are you in-  
16 cluding the total amount that is paid into the  
17 pension fund, which I understand is 13 per cent,  
18 or just the  $6\frac{1}{2}$  per cent that you pay yourself as a  
19 contributor?

20 THE WITNESS: Well, in this  
21 matter, Mr. Smith, actually the 13 per cent is  
22 being paid -- has been still deducted from the  
23 pilots, it is not really being put in a separate ---

24 COMMISSIONER SMITH: What I  
25 mean is this, and what I would like to get your views  
26 on -- interrupt me and correct me if I am mis-  
27 stating anything; I understand that the pilots  
28 contend that in reality actually the 13 per cent  
29 that is paid into the pension fund is all money that  
30 is earned by the pilots?





1 THE WITNESS: Yes. On the basis that  
2 the surplus that the government have, they have  
3 already deducted this off.

4 COMMISSIONER SMITH: Now the question  
5 is this: when you speak about the return of the pension  
6 money, do you mean the return of the 13 per cent or  
7 just the 6½ per cent?

8 THE WITNESS: I didn't say return it.  
9 I said put it in whatever fund that the pilots  
10 decide upon.

11 COMMISSIONER SMITH: Yes?

12 THE WITNESS: Reading the papers, there  
13 is a general retirement fund. I don't know just what  
14 they are, but it would probably be something of that  
15 calibre. If this legislation is going through,  
16 what I saw yesterday, they plan to have general  
17 retirement in operation by 1965.

18 MR. LALONDE: Yes, but Mr. Smith is  
19 asking you whether in this request you would ask that  
20 the full 13 per cent be returned for investment,  
21 let us say, transferred to another pension fund, or  
22 if your request is only for the 6½ per cent which  
23 you have contributed directly out of your own salary?

24 THE WITNESS: I think we request 13  
25 per cent, naturally; whether we get it or not, that  
26 is another matter. I think we would request 13  
27 per cent, Mr. Smith.

28 COMMISSIONER SMITH: Ask for more and  
29 get less?

30 THE WITNESS: Not necessarily, no.





1 BY MR. LALONDE:

2 Q. Recommendation 13, retirement age.  
3 At the present time in your own district is there any  
4 possibility of continuing as a pilot after sixty-  
5 five as is the case of the other districts lower  
6 down?

7 A. None whatsoever for the time being  
8 due to the international agreement.

9 Q. What do you mean by this? In  
10 order to reach parity?

11 A. In order to reach parity sooner.

12 Q. In your prevailing rate employee  
13 regulations which you are under, do you know if it  
14 is stated you must retire at sixty-five or if you  
15 can carry on until seventy?

16 A. There is nothing in the prevailing  
17 rate employee regulations that state you must retire  
18 at sixty-five.

19 MR. LALONDE: I have not studied it.

20 THE CHAIRMAN: Civil servants from what  
21 I know are obliged to retire at sixty-five.

22 MR. LALONDE: That is what I understand  
23 also. Maybe Captain Slocombe has the information.

24 CAPTAIN SLOCOMBE: This varies from de-  
25 partment to department, sir. It is departmental  
26 policy. Civil servants now may go on to sixty-six,  
27 one extension, if it is felt that they are needed,  
28 but there is nothing firm on this.

29 MR. LALONDE: My question was more in  
30 relation to pilots as prevailing rate employees. Do





1 you know whether sixty-five is the rule in the  
2 regulations or whether it is just a matter connected  
3 with the international agreement?

4 CAPTAIN SLOCOMBE: I am under the impres-  
5 sion it is at present it is in connection with the  
6 international agreement which may, of course, change,  
7 without this parity, and so on.

8  
9 BY MR. LALONDE:

10 Q. Recommendation No. 14. You  
11 request as an immediate step that at least fifteen  
12 more pilots should be admitted in District No. 2  
13 so that the relieving of Lock No. 7 may be a reality.

14 There has been evidence before  
15 the Commission that last year from the beginning of  
16 the season up to at least the end of October there  
17 was a ten per cent deficiency, if you wish, in the  
18 relieving of pilots at Lock 7, and that by November  
19 the system was done away with because of traffic  
20 congestion. On what basis do you come to the  
21 figure of fifteen more pilots?

22 A. Well, if you take the base that  
23 there was ten per cent of the time pilots weren't  
24 relieved, that would be six pilots.

25 Q. Yes. Ten per cent out of sixty  
26 pilots, yes.

27 A. The month of November this was  
28 completely abandoned. Therefore, ten per cent is  
29 not correct at all. This is seven and a half months,  
30 and one month the whole project was abandoned. This





1 is coming to almost fifteen per cent, I think, for  
2 the month, plus the fact that during that last month  
3 no one got three days off. This was given to them  
4 right at the very end, and some were even getting it  
5 in December.

6 Q. Yes?

7 A. Therefore I have taken illness in-  
8 to account, and taken the figure on a more realistic  
9 figure which is actually much closer to fifteen per  
10 cent -- I should say it is much closer to twenty  
11 per cent. I am taking illness into effect, plus  
12 the fact that nobody got three days off. That is  
13 how I reached the figure of fifteen.

14 Q. Are you including in this also  
15 reduction of workload generally over the district?

16 A. Oh, yes, definitely.

17 Q. You do not have in mind, then, only  
18 the relieving of pilots at Lock 7?

19 A. No. Also the fact that some ships  
20 go in without pilots. To cover the entire pilotage  
21 operation, not just to relieve at Lock 7.

22 Q. So the reason which is given in  
23 Recommendation No. 14 is not the only one there?

24 A. Oh, no.

25 Q. You have other reasons?

26 A. There was about twenty ships, I  
27 think, in the month went up without pilots.

28 Q. Which month?

29 A. November. I am not sure of that  
30 figure, but it is somewhere close.





1 Q. Yes.

2 A. As I said, believing at Lock 7,  
3 and also delays to shipping with the pilots too. I  
4 think this is going to be much nearer.

5 Q. In Recommendation No. 15 you suggest  
6 that the salary of pilots should be raised to \$1,600  
7 a month until previous recommendations which you  
8 make in your brief are implemented. You ask that  
9 this should be retroactive to August 1st, 1963.  
10 What is your salary at the present time?

11 A. It is \$1,380 a month.

12 Q. How did you arrive at this figure  
13 of \$1,600 per month?

14 A. This of course is for eight and  
15 a half months.

16 Q. Yes?

17 A. Plus leave pay would make it  
18 nine months.

19 Q. Yes?

20 A. This would bring it to \$14,400.

21 Q. Yes?

22 A. This figure at the present time is  
23 about what the American pilots, the lowest of the  
24 American pilots, would be paid. Of course, this  
25 is also basing it on the fact the increase is only  
26 from the 1st of August.

27 Q. Yes.

28 A. This year the increase will be  
29 right throughout the year which will make substantially  
30 a lot more than last year; therefore I would say that





1 the \$14,400, plus the benefits which the Department  
2 claim, should bring us up to what the lowest pilot --  
3 or closer to what the lowest of the American pilots  
4 will be paid for 1964.

5 Q. Yes?

6 A. That is how I arrived at that  
7 figure.

8 Q. Yes. Recommendation No. 16 you  
9 state ---

10 COMMISSIONER SMITH: Excuse me, Mr.  
11 Lalonde. Do you mind an interruption?

12 MR. LALONDE: No.

13 COMMISSIONER SMITH: My lord, I wonder if  
14 I could ask the Commission to revert back to Recom-  
15 mendation 14, paragraph 63, where the recommendation  
16 is made that at least fifteen more pilots be admitted  
17 in the district. That is fifteen more on top of  
18 all that there are now?

19 THE WITNESS: Yes.

20 COMMISSIONER SMITH: An increase of  
21 fifteen, it seems like quite a large order.

22 THE WITNESS: Taking it as a workload,  
23 I don't think it is a large order.

24 COMMISSIONER SMITH: It is your firm  
25 opinion that at least fifteen more are needed?

26 THE WITNESS: Oh, yes.

27 COMMISSIONER SMITH: On the face of it  
28 it seems like quite a lot to be added on to what there  
29 are now?

30 THE WITNESS: No. You have got to





1 remember it is an extensive district.

2 COMMISSIONER SMITH: I know it is.

3 THE WITNESS: After all pilotage is to  
4 give good service to the shipping as well. Now, I  
5 don't know whether -- no doubt Shipping Federation  
6 will give you more details as to how many ships  
7 are waiting for pilots, but this is one thing.

8 COMMISSIONER SMITH: I am not saying  
9 that they are not needed. That will have to be  
10 established, but just looking at it, it is quite a  
11 jump.

12 THE WITNESS: This last year was not a  
13 heavy year in traffic until the fall. All indications  
14 are that this year will be a heavy year for traffic,  
15 and I think it would be a mistake if it is a heavy  
16 year that ships will be held for lack of pilots.

17 COMMISSIONER SMITH: Well, I accept  
18 your answer, but I don't know.

19 THE WITNESS: When you consider that as  
20 things now stand we have, as I said, all of Huron,  
21 Michigan and Ontario, and as I say, there is  
22 all indications that there will be a very big year  
23 this year. There is going to be a lot of pilots  
24 out of the district, too, having to go outside  
25 the district.

26 COMMISSIONER SMITH: Is it your conten-  
27 tion if there is not an increase in the number of  
28 pilots there that you will not be able to efficiently  
29 handle  
/ the navigation of ships in the district?

30 THE WITNESS: You mean without any





1 increase at all?

2 COMMISSIONER SMITH: Yes.

3 THE WITNESS: Well, then, we are going  
4 to go back to the point of no change at Lock 7 to  
5 begin with. I don't think by the time you have  
6 done twenty hours on your feet, or shall I say  
7 twenty hours around -- as they say, put your feet  
8 up every half hour, which frankly I never do -- when  
9 I am on there I just either walk up and down or  
10 stand talking, or something, but after twenty hours  
11 I don't think you are giving efficient pilotage.

12 COMMISSIONER SMITH: I certainly agree  
13 with that. Is that the fact? Is that the regular  
14 routine?

15 THE WITNESS: Twenty hours is not at all  
16 out of place these days in the Welland Canal, and  
17 when you don't get any relief you can figure on  
18 twenty hours up. Certainly sometimes it takes less  
19 and sometimes it takes more.

20 THE CHAIRMAN: When you talk of addi-  
21 tional pilots, there could be two kinds of pilots,  
22 lake pilots or canal pilots?

23 THE WITNESS: There can be two, granted,  
24 sir, but then every time anybody goes out of the  
25 district, of course he is taken away from the roster,  
26 and therefore it is putting on the workload of those  
27 that are in the district, too. Obviously the  
28 thing is they would have to be employed in both  
29 places, both in the district and outside.

30 THE CHAIRMAN: There is no relieving





1 place at Pelee Island.

2 THE WITNESS: No.

3  
4 BY MR. LALONDE:

5 Q. While we are on this point, Mr.  
6 Smith has raised the matter of Welland Canal transit.  
7 I have here a document entitled "Time of Canal  
8 Passages, Months of October and November, Sample  
9 Canal Passage," and I have the names of ---

10 A. That is 1962.

11 Q. That is 1962, yes. I have the  
12 names of sixteen pilots with a certain number of  
13 transits; about seven or eight transits each, it  
14 seems, with the number of hours, and then with the  
15 average written by hand next to the statistics. Are  
16 you aware of this document? Do you know how this  
17 was compiled?

18 A. Yes, it was compiled from the  
19 statistics in the office at Port Weller. This is  
20 compiled by the Department of Transport in Port  
21 Weller.

22 Q. This document was compiled by the  
23 Department of Transport in Port Weller?

24 A. That is correct.

25 Q. Was it handed to you by Captain  
26 Watson?

27 A. It was.

28 Q. I see. Did you know for what  
29 purpose this information was gathered?

30 A. It was gathered to see if we





1 actually did need relief at Lock 7 or not.

2 Q. I see. Do you know what the  
3 number of hours indicated here represent? Are they  
4 from boarding time to disembarking time?

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1 A. That is the boarding time.

2 These are taken from the source forms. It is  
3 from the boarding time to the time you are at Port  
4 Colborne.

5 MR. LALONDE: I would like to file this  
6 document as Exhibit 1095.

7  
8 ---EXHIBIT NO. 1095: Statement showing time  
9 of Canal passages months  
10 of October and November,  
11 1962.

12 THE WITNESS: As I say, this is not  
13 taking the time you would have gone to the pilot  
14 office, the time in the pilot boat and boarding,  
15 etc. It is from the time you board the vessel  
16 to Port Colborne.

17 Q. This was from 1962?

18 A. Yes.

19 Q. Do you have any reason to believe  
20 that the average would be substantially different  
21 from 1963 -- either higher or lower?

22 A. Other than during the tie-up of  
23 lake vessels this fall, I would say the average  
24 would be a little longer due to the increase of  
25 the domestic shipping last year -- bigger domestic  
26 shipping.

27 Q. You mean the increase in domestic  
28 shipping tended to delay the transits for deep sea  
29 ships?

30 A. Oh, yes. Well, these are big  
ships. You can only navigate to the speed of  
safety. Where some might criticize some of them





1 for being rather slow . . .

2 Last year we had a big number  
3 of large American lake ships in the system which we  
4 had never had in 1962. This, too, substantially  
5 delayed things and the canal passage was certainly  
6 not faster than 1962. I would say it was longer.

7 Q. In recommendation No. 16 you talk  
8 about the limits of the district and you ask that the  
9 limits should be defined -- where the compulsory  
10 <sup>is</sup> pilotage/should be defined. This refers in  
11 particular to the Welland Canal. What is the  
12 reason for this request?

13 A. Well, one thing I am doing primar-  
14 ily at the moment is trying to do away -- I think it  
15 is the thin edge of the wedge to do away with the  
16 Port Weller pilot boats. Obviously they cannot  
17 operate on just the ships that are going to go into  
18 Port Weller piers. They cannot operate just on  
19 spec that a ship might be needed to bring a pilot  
20 out.

21 Secondly, I think it is wrong to expect  
22 them, whether they have a B licence or not, to bring  
23 those ships in. This is going to delay the system  
24 in some cases unless you are very familiar with this.  
25 Tying up there, occasionally as you come on up  
26 to that tie-up wall you also get a slight under-  
27 current carrying you along. If they do not  
28 realize this, some of the masters, you are going  
29 to have to go astern much too strongly. It is  
30 going to swing the stern out and they are going to





1 be across the channel where no doubt they would  
2 probably have lines out at this time. There  
3 will also be a ship waiting to come out and he will  
4 not be able to come out of Lock 1 until that ship  
5 is tied up.

6 This is going to delay the system. I  
7 think it is going to delay the system far more than  
8 if the ships had to wait for a pilot boat.

9 I feel, secondly, that when you board  
10 that ship outside you begin to get to know the feel  
11 of the ship. The Welland Canal itself is a com-  
12 pletely different form of pilotage from anything else.  
13 The pilotage itself is basically ship handling and  
14 for my part I would feel that I do not have complete  
15 control of that ship until I am up in around Lock 3.  
16 By that I mean I am not really at home, as you  
17 might say, with the ship until you are up around  
18 Lock 3 somewhere.

19 When you board that ship outside the  
20 piers, you see her trim, you find out how the ship  
21 is going to drift with the wind. You are outside  
22 and are getting the whole wind effects. You are  
23 coming in through the piers at a reduced speed.  
24 It is reasonably wide, the canal. As you are  
25 making that tie-up wall you can see how that ship  
26 is going to be setting. It gives you a much better  
27 idea of how that ship is going to behave than  
28 boarding it at a tie-up wall and just starting on up.

29 This to me is a question of good pilotage.  
30 To just suddenly go aboard a ship and no matter





1 what the wind conditions are, if the ship is tied  
2 up in the lee of the trees you probably get into  
3 Lock 1 all right, but then it is going up to Lock 1  
4 on up. As soon as you clear Lock 1 you are open  
5 to the elements and here you are going to do some-  
6 thing at the tie-up wall only a matter of a mile  
7 up on a ship that you are not fully familiar with.  
8 I do not think this is right. I think you are  
9 asking too much of the pilots. At least they  
10 should have the chance of knowing what the ship is  
11 going to be like before they start up.

12 Q. So if I understand well, you  
13 would suggest that the limits of the district of  
14 Port Weller should start where?

15 A. When she is under canal control.

16 Q. Should start where?

17 A. At the Fairway buoy off the  
18 piers, which is the limits of the canal control.

19 Q. I see.

20 A. And carry on from there.

21 Q. What would be your reaction as far  
22 as the other end is concerned? Would the same  
23 reasons apply, and where would you have that part  
24 of the canal end?

25 A. Well, at the Fairway buoy, too.  
26 As things stand now ---

27 Q. The Fairway buoy at Port Colborne?

28 A. Yes, the Fairway buoy at Port  
29 Colborne. We are called an hour before. We are  
30 up at least half an hour before the vessel arrives





1 at the buoy. You are listening; then to the traffic  
2 in the canal over the RT and you call in and get  
3 instructions from the canal control and come on  
4 down. However, there has been a practice made of  
5 ships coming in and right into Lock 8.

6 Q. Going as far as Lock 8?

7 A. Downbound. They are even leaving  
8 Lock 8 downbound. The ship is bound for Cleveland  
9 or Lorain or Conneaut -- any of these non-designated  
10 waters. The pilots have been getting off in the  
11 lock.

12 This can create a problem too,  
13 especially when many of the people are not really  
14 conversant with the language. But you are proceeding  
15 out. You have probably got ships tied up at  
16 the fuel dock at Port Colborne on the west side.  
17 You have ships on the east side at the furnace  
18 dock. This is quite narrow. There are ships coming  
19 in. Unless you are fully -- you have been listening  
20 to the RT and you realize what is going on, this  
21 sooner or later is going to lead to trouble.

22 When we are aboard the ships  
23 when we are called upon to do the pilotage and yet if  
24 they say: "You can get off here," this is rather a  
25 confusing situation. I think it should be set up  
26 that when you are under the Canal control these  
27 are the limits as were defined in the Act, that it is  
28 compulsory pilotage in the Welland Canal. It is my  
29 opinion that the Welland Canal comprises of the limits  
30 that you are under Canal control. That means the





1 Welland Canal ---

2 Q. How many miles are there from  
3 Lock 8 to the Fairway Buoy off Port Colborne?

4 A. Approximately five miles.

5 Q. Approximately five miles, and this  
6 is still in narrow waters, is it not?

7 A. Yes. Your last two miles are  
8 narrow waters, yes.

9 Q. Did you request that the limits of  
10 the district be defined for the purpose of pilotage  
11 in the Welland Canal?

12 A. We have requested it in the last  
13 brief which we submitted to the Department of Trans-  
14 port.

15 Q. I see, and what answer did you get  
16 at the time?

17 A. I was not there. Captain Tully  
18 was there. But it is written down here.

19 Q. But you have no personal knowledge  
20 of what the answer was?

21 A. No personal knowledge, no.

22 Q. You ask by recommendation No. 17  
23 that working rules should be set up with the partici-  
24 pation of the Canadian and American pilots. Do  
25 you have anything to say on that?

26 A. We have had no say in the matter  
27 so far. I think after all we are the ones that are  
28 working there; I think we should have a substantial  
29 say in the matter of what the working rules are. We  
30 do know the problems and from that angle I think we





1 should have some say in the working rules.

2 Q. Recommendation No. 18 concerns  
3 dispatchers. You request higher wages for them.  
4 There has been evidence in this respect about what  
5 the situation is in fact. Do you want to say  
6 anything about this recommendation in addition to  
7 what is already in evidence?

8 A. No, I think that has been pretty  
9 well covered in the evidence so far. I agree that  
10 they should be paid more.

11 Q. In Recommendation No. 19, you  
12 request that linesmen be placed on all approach  
13 walls in the Welland Canal. Do you have anything  
14 to add in this respect?

15 A. When ships are in ballast going  
16 up the Welland Canal and the ships are in ballast  
17 it does not take much wind to have these vessels  
18 drifting. You have got to get up to those tie-up  
19 walls and land them in. Sometimes it takes a very  
20 very slow getting off and this begins to create  
21 problems as regards getting the vessels tied up.  
22 It is also holding up the transits. If there is  
23 a vessel waiting to come down he must wait until  
24 you are secure before you leave the lock -- tied up  
25 just below.

26 If there were linesmen I think it would  
27 help to speed up the transits in the Welland Canal.

28 Q. You mean to say the fact that there  
29 are no linesmen creates delays?

30 A. Oh, yes. In many cases if there





1 is any wind and a vessel is coming up and they have  
2 some difficulties tying up, the downbound vessel  
3 certainly is not going to leave the lock until that  
4 vessel is securely tied up.

5 I might add that even so they get  
6 the lines ashore but sometimes by the time all the  
7 lines are ashore the vessel is way off the dock.  
8 You have to wait until the vessel is brought up  
9 alongside if she has cargo, and this is the thing  
10 that takes a little time.

11 Q. Did you experience yourself  
12 difficulties with masters who had themselves  
13 difficulty with their crews as far as landing them  
14 by landing booms is concerned?

15 A. Oh, yes. I had one Spanish ship  
16 where the crew just refused to do it until they  
17 were paid. They went into Chicago and there were  
18 no linesmen. They were off the dock for a good  
19 half hour trying to persuade the crew to come  
20 ashore and land.

21 Q. Was this in the Welland Canal  
22 or in Chicago?

23 A. This was in Chicago. But in the  
24 Welland Canal we had the same thing. We had to  
25 convince the crew that this was the practice up there,  
26 that they went ashore. This took quite a little  
27 while in Port Weller before they would land. They  
28 felt if they were going to do this they should be  
29 paid as linesmen. This took quite some doing.

30 And we had trouble in Cleveland.





1 I went in to Cleveland, put the anchor down and they  
2 would not go ashore. I laid up alongside the dock  
3 with the anchor down for about an hour until some  
4 men finally came along and took lines. I informed  
5 the agent he had better make sure that everywhere  
6 else they take a linesman. However, it was a  
7 Sunday when we arrived at Chicago and we had the  
8 same thing all over again, so . . .

9 Q. Have you seen any accidents  
10 yourself with landing men on ships which you were  
11 aboard?

12 A. I have seen one or two sprained  
13 ankles where some of them jump off or they lower  
14 them too quickly. I have seen some pretty close  
15 ones where they have just been grabbed in time, when  
16 they have almost fallen in between the ship . . .

17 This I have seen too, and it is  
18 rather unnerving -- but there was no accident -- where  
19 the man swings out and he becomes afraid and here  
20 he is dangling on the line. He is afraid; he is  
21 afraid to go down. This is rather unnerving, that  
22 you have a man swung out. When a man is afraid  
23 you become afraid he is going to drop in between  
24 the ship and the quay. This is pretty unnerving  
25 to you and probably more so to the fellow that  
26 throws him.

27 I might add that though I did not  
28 see this there have been accidents in the Welland  
29 Canal where the men have fallen in between the ship  
30 and the quay and been killed.





1 Q. Do you know what year this would  
2 have occurred? Would that be a long time ago or  
3 recently?

4 A. The last accident of that sort, if  
5 I remember rightly, was in 1958 up above Lock 7 where  
6 a man was killed. We had an accident, I think, two  
7 years ago where a man broke a leg, but I was not on  
8 either ship.

9 Q. You were not aboard these ships?

10 A. No.

11 Q. But these accidents were reported  
12 to you? I mean, you heard of these accidents?

13 A. No. It was common knowledge about  
14 those accidents, oh, yes.

15 Q. The Seaway Authority might have  
16 knowledge of the Welland Canal about this?

17 A. They would have an accident report.  
18 At least, they should.

19 THE CHAIRMAN: We have some evidence  
20 about some, but I am wondering whether it is in the  
21 Welland Canal or a lower part of the St. Lawrence  
22 Seaway?

23 MR. JACQUES: We have a record of all  
24 accidents, my Lord, covering the whole Seaway from  
25 Sault Ste. Marie right down to Montreal.

26 MR. LALONDE: Has this been filed?

27 THE SECRETARY: Yes. Would you like to  
28 see it?

29 MR. JACQUES: No; it does not cover  
30 accidents to seamen.





1 MR. LALONDE: I think they were accidents  
2 to ships in the Canal. There has been evidence as  
3 to accidents having occurred in the Beauharnois area  
4 but none as to the area here. Maybe the Commission  
5 could write to the Seaway Authority and ask them  
6 whether they have an accident report in this connec-  
7 tion.

8 Q. In recommendation No. 20 you request  
9 that you should have harbour pilots in Port Weller,  
10 "or again," you say "a special group of harbour pilots  
11 should be licensed for Port Weller harbour only."  
12 Do I understand this to mean that you suggest either  
13 that you should have a certain number of pilots taken  
14 from your group and effected to Port Weller on a tour  
15 de role basis more or less or ---

16 A. Under that system where there are  
17 sixty pilots in the first one it would be a case of  
18 each pilot taking a turn of twelve hours a month.

19 Q. Twelve hours a month?

20 A. Yes; that is, providing everybody  
21 is fit and well. Under the second system, of course,  
22 this would also have to be taken up with the American  
23 pilots. But if they could not agree on that, then  
24 the second system where you would have somebody there  
25 permanently all the time to bring them in -- this  
26 would prevent, I would say, any delays whatsoever to  
27 ships coming into Port Weller.

28 Q. I see. Is there not a contradiction  
29 however in this recommendation and the view you have  
30 expressed a few minutes ago to the effect that one





1 advantage in defining the district as being the Fairway  
2 Buoy is that you can go aboard the ship and get the  
3 feel of the ship before you actually engage into the  
4 canal?

5 A. Yes, there is a contradiction there.  
6 However, the pilots themselves are registered pilots.  
7 They will pretty well give you a good briefing when you  
8 go aboard to tell you what the ship was like and what  
9 to watch for. When you go there you do not just  
10 suddenly take off. You have a good talk with them.

11 When I have been doing harbour  
12 pilotage I have always had a talk with the pilots --  
13 told them what she is like, what to expect and how  
14 things operate. You do not just say to the other  
15 fellow: "Here I am and away you go."

16 MR. JACQUES: Excuse me; I am sorry to  
17 interrupt, but in connection with that my understanding  
18 of previous evidence concerning harbour pilots is  
19 that they brought the ship alongside the tie-up wall  
20 and left her there as soon as she was tied up. They  
21 did not wait for the other pilot to board. If any  
22 movement alongside the tie-up wall was required the  
23 master would move the ship on his own.

24 THE WITNESS: The times I have been on --  
25 and I have had three or four times -- if there was a  
26 laker in between I would stay with that ship and move  
27 it up -- the top ship -- move it up for them. I did  
28 not just bring it in.





1 MR. JACQUES: You say you have one  
2 laker between . . . ?

3 THE WITNESS: If there were two ships  
4 coming in I would probably go out and bring the  
5 second one in and then go back to the first vessel  
6 so they would have a better understanding of what  
7 time to call the pilot. When you have a harbour  
8 pilot on, the harbour pilot informs the pilot office  
9 when to call down the next pilot for the ship.

10 MR. JACQUES: But you stated that you  
11 would go out and bring the second ship inside and  
12 you stayed with that ship?

13 THE WITNESS: If there was a laker  
14 coming in behind I stayed with the laker until  
15 I was ordered to bring in the other ship.

16 MR. JACQUES: Oh, yes; if you were  
17 ordered to bring in the other ship you would leave  
18 that ship and take the other ship up alongside the  
19 tie-up wall?

20 THE WITNESS: Yes.

21 MR. JACQUES: Would the laker pilot  
22 be aboard?

23 THE WITNESS: Not necessarily. However,  
24 you would have the other ship there more than  
25 likely and you would be able to brief the pilot.

26 MR. JACQUES: Yes; you are talking there  
27 about possibilities. But what has happened, in  
28 fact?

29 THE WITNESS: As I say, I have had to  
30 hire pilots three times and I have always been able





1 to brief the pilot on the ship.

2 MR. JACQUES: You always stayed with the  
3 ship when you were a harbour pilot?

4 THE WITNESS: I didn't always stay with  
5 the ship, no. If I brought the second ship in I  
6 walked up the dock to make sure that I saw the pilot  
7 on the first ship.

8 MR. JACQUES: And this invariably  
9 happened every time?

10 THE WITNESS: Well, I certainly would  
11 never bring in a ship and just leave it without  
12 ensuring that there was a pilot who was going to  
13 take it in.

14 MR. JACQUES: It has never happened  
15 that you had to leave the ship and take one out and  
16 then come back to the previous ship?

17 THE WITNESS: No.

18 MR. LALONDE:

19 Q. The purpose of your recommendation  
20 is what, mainly -- for the harbour pilot?

21 A. The purpose of the recommendation  
22 is, shall we say, duplicating of pilotage material.  
23 Let us say you have four ships on the wall below  
24 Lock 1 and one pilot has been handling it and the  
25 pilot comes down and that one pilot has a fair idea  
26 how the flow of traffic is. He can pretty well  
27 estimate when the ship is going into the lock and  
28 when a pilot should be ordered down to take the  
29 ship up the canal by phoning the Pilot Office to  
30 get the pilot down to start at such and such a time.





1 Q. It is to avoid duplication in  
2 the employment of pilots; is that it?

3 A. Yes. In the busy times you  
4 might be tied up at the wall as long as six hours or  
5 eight hours between each lockage. I might add that  
6 between each lockage it is approximately two hours.  
7 If there are big ships in the system, that is, in  
8 the locks -- by the time you come down to take  
9 Lock 1 -- the whole system can only work as fast  
10 as the slowest vessel in the canal. Once you have  
11 got big ships on the system you can figure that it  
12 is going to take about two hours per lockage; and,  
13 therefore, this is giving you ample time to be there.  
14 You are not just going to be in and out. You have  
15 a pretty good idea of what is going on.

16 Q. Then, recommendation No. 21 is to  
17 the effect that forward derricks should not obstruct  
18 the view of pilots, for safety reasons. Do you  
19 have experience of ships not complying with this  
20 requirement?

21 A. Well, there is a notice to mariners  
22 out to that effect. However, there are ships that  
23 come over from Toronto and they have been working  
24 all day and they do come over with derricks up.  
25 This does obstruct the view at night time when you  
26 are in a confined space, and in the daytime, too.  
27 This does obstruct the view of the pilot when you  
28 are in a confined space. You can be out on the wing  
29 of the bridge and you can see for miles ahead, but  
30 if you have to be operating in a very confined space





-- a matter of feet -- you don't want to have your view obstructed.

COMMISSIONER SMITH: This would apply particularly to ships with everything aft?

THE WITNESS: Yes; this definitely applies to ships with everything aft.

It is not unusual to have a ship with eight derricks to a hatch, and if there is . . . I should say four derricks to a hatch; and you have five hatches. This is twenty derricks apart from masts and samson posts that are in front of you.

MR. LALONDE: Have you ever had masters refusing to lower the derrick if you requested them to do so?

A. I have never had anyone refusing; but certainly I have heard where it has been refused.

Q. Now, in recommendation No. 22 you are requesting wheelmen on all ocean vessels of more than 3,000 tons net on their passage in District No. 2; and you say that these wheelmen would be used with the agreement of the master?

A. Yes.

Q. What do you have to say about this? What is your experience with wheelmen aboard deep sea vessels?

A. I hate to say this, as I am originally ocean-going myself, but with some of this electronic equipment I find it is worse and worse every year it goes on -- a complete lack of good men





1 to steer.

2 There is far too much reliance  
3 being put on the automatic helmsman these days. This  
4 is becoming quite a problem. The number of men you  
5 chase away from the wheels through their not being  
6 able to steer is getting to be quite large. I have  
7 even gone through the whole darned crew at times.  
8 This is terrible, to find that. Certainly, the  
9 automatic helmsman is a great thing. You have got  
10 the men working on deck; but I would insist, I think,  
11 if I had the ship, that they would do their steering  
12 at night if not during the daytime.

13 It is becoming very, very pre-  
14 valent amongst ships to lack a good helmsman due  
15 to the automatic steering; and many seem to think  
16 that this is the place to teach them -- once they  
17 get into pilotage.

18 Q. You mean into pilotage waters?

19 A. Yes, into pilotage waters. This  
20 is the place where they seem to think they should  
21 teach them to steer.

22 I think you have enough on your  
23 hands without worrying about whether the man at the  
24 wheel can steer or not.

25 Q. How does this show in practice?  
26 How would you feel this situation?

27 A. How do you know?

28 Q. Yes.

29 A. That they can't steer?

30 Q. Yes.





1                   A.       You will soon find that out --  
2       right away.   Either too much wheel will be given  
3       or not enough and the ship is swinging all over.  
4       A good helmsman, in my opinion, is a man who  
5       gives the minimum wheel at the time.   If you want  
6       to get a good helmsman he is the man who puts on  
7       minimum wheel but can get the ship to answer.

8                   It doesn't take long to know that  
9       a fellow can't steer.   Anybody who has any experience  
10      at all knows it.

11                  I have even become so disgusted  
12      at times with a crew that I have asked the captain  
13      to send up somebody that has never been at the wheel  
14      before, and I have said "Put him there."   I know  
15      he has never been at the wheel before and he will  
16      do what I say.   In other words, I have been verbally  
17      steering the ship as well as piloting.

18                  Q.       You have had experience of this  
19      yourself?

20                  A.       Yes.   I think every pilot has  
21      experienced it at one time or another.

22                  I have even had the captain  
23      steering for me.

24                  Q.       Have you experienced this, in  
25      particular, in the Welland Canal, as compared to  
26      the St. Clair River, or is it a general difficulty?

27                  A.       I would say it is a general diffi-  
28      culty.

29                  Apart from the levels you don't  
30      mind too much because you know pretty well what you





1 are doing and you know how the ship is going to  
2 react -- basically how the ship is going to react --  
3 when you are making locks; and you can tell the man  
4 just what to do. But, of course, the trouble comes  
5 when you approach a ship on the level and where you  
6 have a bad wheelsman. It is not so much on the  
7 locks but approaching ships on the level.

8 Q. Would you say it is more critical  
9 in the Welland Canal when you are meeting ships than  
10 in the St. Clair River, comparatively?

11 A. No; it is critical at any time  
12 you meet ships and you find you don't have a person  
13 who can steer. This is a pretty critical thing  
14 at any time.

15 Q. In other districts there has been  
16 evidence about language problems with wheelmen.  
17 Would you have had any such experience yourself?

18 A. With regard to language problems,  
19 well, I don't know. I have had Britishships where  
20 they have put the wheel on the wrong way.

21 THE CHAIRMAN: We have seen that.

22 THE WITNESS: I wouldn't say that it is  
23 a language problem. Often it is fatigue. I  
24 think that the men have been up working all day in  
25 Toronto and Hamilton and they come across into the  
26 Welland Canal and they are tired. They are not  
27 responding. I would think it is more fatigue than  
28 a language problem in many cases.

29 MR. LALONDE: My lord, I am sorry but I  
30 will have a few more questions.





1 THE CHAIRMAN: You can't finish.  
2 Therefore, we will adjourn.

3 MR.LALONDE: I will not be very long  
4 the next time.

5 THE CHAIRMAN: We will adjourn until  
6 tomorrow morning at ten o'clock.

7  
8 ---Adjournment.

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